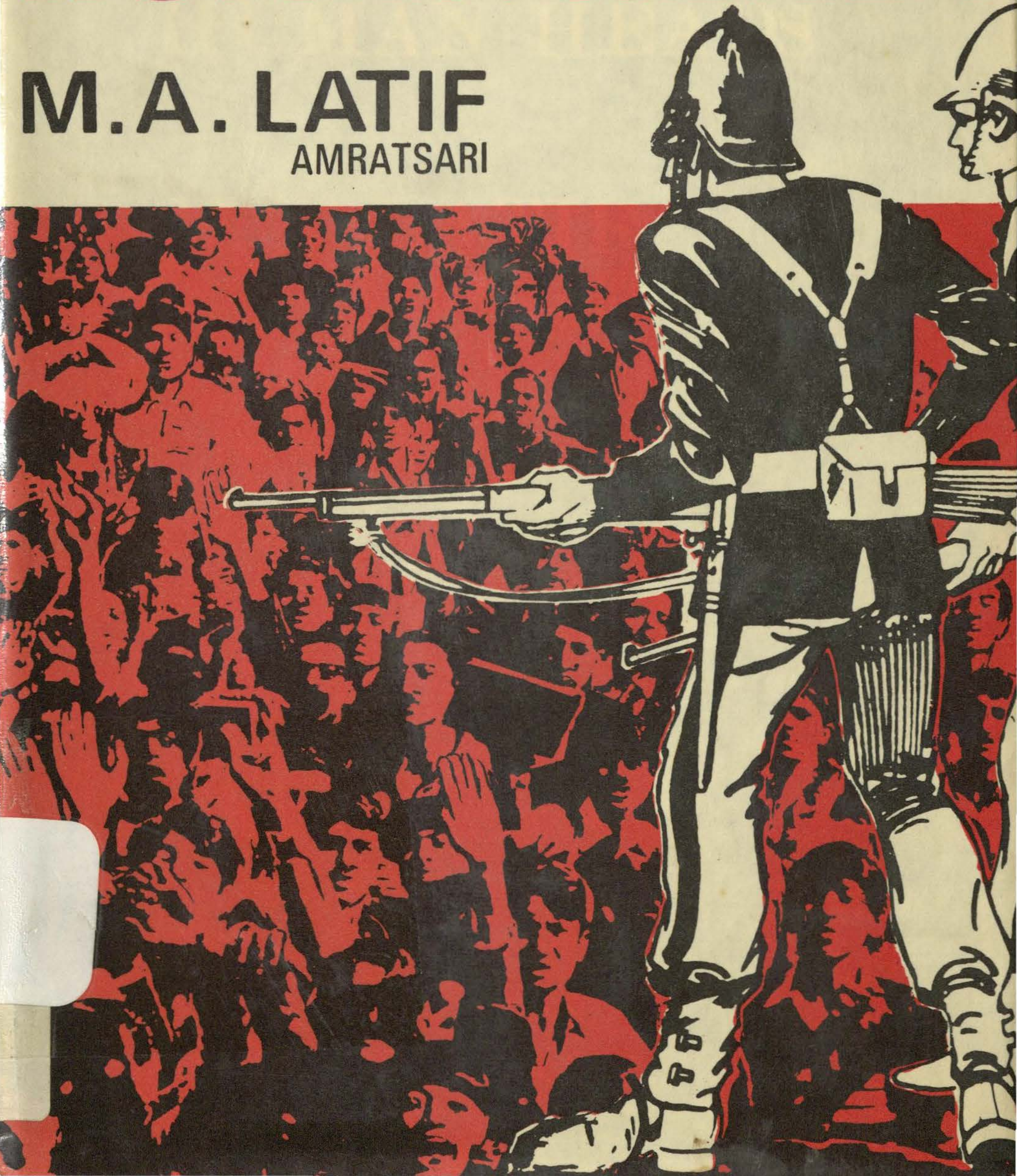
A HARVEST OF HUMAN HEADS

(JALLIANWALA, 1919)

M.A. LATIF
AMRATSARI



POST—SCRIPT

And—everything said and done, a word for the people at the Composing Centre for their 'virtue' of consistency in reproducing some wrong spellings despite repeated proof readings and, when left to themselves, for failing even to distinguish between a 'foreword' and a 'forword'

Please correct—

the word	*into*	*at Page*	*Line*
forword	*foreword*	*I and v*	*75 & top*
baisterous	*boisterous*	*I*	*3*
kelidoscope	*keleidoscope*	*viii & 5*	*5 & 21*

Amritsar witnessed, in the year 1919, an unusally lack-lustre baisakhi—a baisakhi mercilessly stripped bare of its baisterous hilarity; a baisakhi ruthlessly robbed of its pristine gaity and festivity; a baisakhi whose traditional colour, mirth and cheer had given way to unmuffled sobs and shrieks, unceasing tears and a long-drawan-out gloom and affliction; it was a baisakhi which left, in its trail, a stickening tale of woe and suffering; a baisakhi which did not mark the harvest of the usual bumper rabi crop of wheat and gram, but a dreadful crop of blood and bones. It was a harrowing harvest of human heads.

A HARVEST OF HUMAN HEADS

(Jallianwala, 1919)

M.A. LATIF AMRITSARI

FORWORD

BY

MR. JUSTICE (Retd.) ZAKI-UD-DIN PAL

CARAVAN BOOK CENTRE
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Affectionately Dedicated,
once again,

TO MY FATHER
THE LATE MAULVI NABI BAKHSH

Whom we laid to eternal rest
in what was, then, theBulaka Singh
Qabristan at Amritsar,
on 26.8.1936

and except whom,

Nobody occurs in my mind, whenever it comes
to dedicating anything.

"With him I take delight in weal
And seek relief in woe,
And while I understand and feel
How much to him I owe,
My cheeks have often been bedew'd,
With tears of thoughtful gratitude"

". . . . . . . .You know what will happen? All the black guards in America, when they lynch niggers, will say: "Oh, you did the same in India"; when butcheries take place in Russia, whether it be by white or Red Guards, they will say: "we never did anything like you did in India", and when we will tell the Turks: "You massacred the Arminians", they will say: "Yes, we wish we had the chance of getting 50,000 of them together and then shooting them all straight"—that is the sort of welcome that this incident will get; and all the decent people in the world will think that England really likes what happened at Amritsar and that all this sort of thing is English. Really, we know that this sort of thing is the finest prussianism that ever took place. Germans never did anything worse in Belgium. This damns us for all time. Whenever we put forward the humanitarian view, we shall have this thrown into our teeth".

From: Colonel Wedgwood's Motion in the House of Commons

"Igorance of the habits of a people is never excusable in one whose duty it is to govern them. . . .Tyranny degrades those who exercise it as much as those who suffer under it". . . . . .Constitutional reform withour free citizenship is like rich attire on a dead body; better to breathe God's free air in rags than be a corpse in the finest raimant"

Motilal Nehru

"So many people, who knew the conditions inAmritsar, say, "I did right; but so many others say, "I did wrong" I only want to die and know from my Maker whether I did right or wrong"

Gen. Dyer; while on death bed.

"... They may have belonged to any religion, I offered *Fateha* for those Souls:

Ba'an groh kih az saghar-i-wafa mastand
Salam-i-ma birisaned har kuja hastand"
—Hafiz

Taj Haider
(International Corp. Karachi;
Prof. Wadiwala of the T.V.)

FORWORD
BY
MR. JUSTICE (Retd.) ZAKI-UD-DIN PAL

During the first World War, India provided most substantial help, in cash and in kind, to the British Government so as to enable it to score victory over its enemies. In spite of being a poor country it contributed millions and millions of rupees towards the war fund and good number of its people, particularly from the province of Punjab were recruited in the army. This recruitment was made to such a large extent that many of the families were left without any able bodied male member. This caused great resentment amongst the people but nevertheless India remained politically calm.

After the first World War was over it was expected that the British Government would make India autonomous in certain respects and the Indians would be associated more and more with the Government. Mr. Montagu, then Secretary of State for India, toured the country even during the War in order to assess the situation himself. Mr. Montagu along with Mr. Chelmsford, then Viceroy of India, prepared a report known as Montagu-Chelmsford Report, containing recommendations to give more powers and control to the Indian Government so far as internal affairs were concerned. Simultaneously, strangely enough, British Government appointed Sir Sidney Rowlatt, a judge of the superior British Court, to assess the extent of the alleged subversive activities being carried on in the country and to make suitable recommendations to check the same. His report was accepted, given the shape of a Bill, and then enacted as Anarchical and Revolutionary Crimes Act, 1919, popularly known as Rowlatt Act. The main purpose of the Bill was to prevent the revolutionary or anarachical activities and for that purpose to carry out search of suspected places and make arrests. The agitation in the country started as soon as the contents of the Bill, introduced in the Assembly, were made public. Mahatma Gandhi, Indian National Congress leader, mostly organised and led the agitation. Two Congress leaders at Amritsar,

Dr . Saif-ud-din Kitchlew and Dr. Satyapal, were arrested on 10th of April 1919 in connection with this agitation. The inhabitants of the City in large numbers protested against their arrest peacefully by taking out a procession but nevertheless this peaceful procession was fired at, at the instance of the local administration causing casualties. This infuriated the people at large and as a consequence of that they indulged in looting, arson and even killing some white people living in the city. This incident would not have taken place if the situation had been properly handled.

The tragedy of Jallianwala Bagh took place on 13th of April 1919 when Baisakhi festival was being celebrated in the City. A public meeting had been organised in the Bagh where the people had assembled in large numbers. The Administration thought it proper to take revenge of the killing of the few whites in the city. General Dyer, under the instructions of Sir Michael O'Dwyer, the then Lt. Governor, opened fire at the people, gathered inside the Jallianwala Bagh, without any previous warning, killing hundreds of people including women and children.

The background and actual taking place of this incident has been fully narrated by the author in this book at length, in a manner which is most objective and free from any bias.

The author, Ch. M.A. Latif (Amritsari), is personally known to me from the time when he entered the legal profession in mid thirties . He gained position in the profession within a short time on account of his hard labour and devotion. At present he is one of the top most lawyers of Multan. He deserves all praise and appreciation for having written this book after great study and labour, so much so that he even went to Britain to lay his hands there on the relevant records.

The book is so much interesting and informative that I went through the same in one sitting. I agree with the author that the incidents of loot, arson and killings which took place on 10th of April 1919 at Amritsar, could be easily averted if the local Administration had acted carefully and with due

caution and the peaceful procession of the people had not been fired at. This incident gave rise to the looting and arson taking place on 10th of April which, in turn, culminated in the tragedy of Jallianwala Bagh.

This incident, no doubt, precipitated the downfall of the British Empire. The Hindu-Muslim unity achieved in the year 1919 received a serious set-back on account of the activities of the extremist elements amongst the Hindus who raised the bogey of one nation, i.e. The "Hindu Nation", in India, and started "Shuddi agitation", whereby they forcibly tried to convert the muslims to Hinduism. It happened in early twenties soon after Jallianwala Bagh tragedy and gave rise to Hindu-muslim disturbances, as well, throughout the country. The muslims organised themselves under the leadership of Quaid-e-Azam and the banner of the Muslim league and ultimately demanded separate, independant and sovereign homeland for the muslims, being a separate nation from the Hindus.

The Second World War, which started in September 1939 ended in 1945, leaving the British as a weak and poor nation which was no more in a position to maintain such a big Empire of which India was the greatest component. The process of liquidation of the British empire started from the day when Jallianwala Bagh tragedy took place and ended on 14/15th August 1947, within a short period of less than thirty years when Bharat and Pakistan emerged as two independant and sovereign states on the map of the world.

Zaki Mosin Pal

WHO WAS WHO IN 1919

Mr. M. A. Jinnah	(Later, Quaid-e-Azam) Member, Imperial Council
Mr. Gandhi	(author of Satyagraha movement)
Pt. Motilal Nehru	President, Indian National Congress; grandfather of Mrs. Indra Gandhi.
Sir Sivaswamy,	President, All India Moderates Conference
Bhagat Singh B.K. Dutt	Two revolutionary youths
Udham Singh (Ram Muhammad Singh Azad)	the man who shot O'Dwyer dead
Dr. Kitchlew Dr. Satyapal	Congress Leaders of Amitsar
Mr. Badar-ul-Islam Ali Khan Bar-at-Law	(Secy. Satyagraha, Amritsar)
Dr. Bashir	(Secy. Satyagraha, Amritsar)
Dr. Rabindranath Tagore	Poet laureate from Bengal
L.Harkishen Lal Barrister	Congress Leader, Lahore
Montagu	Secy. of State for India
Chelmsford	Viceroy of India

Churchill	Secretary of State for War (Later, prime minister).
Mr. Rowlatt	English Judge (author of Rowlatt Act)
Mr. Ilbert	author of Ilbert Bill
Lord Hunter	Chairman, Hunter Enquiry Committee.
Mr. Justice Rankin Sir C.L. Setalvad Pt. J. Narain	Members, Hunter Enquiry Committee
Mr. Justice McCardie	English Judge who decided the Libel suit filed by O'Dwyer
Sir William Johnson Hicks	O'Dwyer's Counsel
O'Dwyer	Lt. Governor Punjab
General Dyer	the man who massacred people at Jallian-wala.
Phillis	daughter-in-law of Dyer
Sir Edward Maclagan	Governor Punjab who succeeded O'Dwyer
Mr. Miles Irving	D.C. Amritsar
Mr. J.F. Rehill	S.P Amritsar
Mr. Beckett	A.C. Amritsar
Mr. Conner	A.D.M. Amritsar
Mr. Plomer	D.S.P. Amritsar
Mr. Robinson	S.P. Amritsar
Mr. Bennet	Station Master, Amritsar
Mr. Marshall	Inspector Police, Amritsar

Mr. Macdonald	Senior Military Officer, Amritsar
Mr. Fyson	D.C. Lahore
Mr. Kitchen	Commissioner, Lahore
Mr. Broadway	S.P. Lahore
Mir Maqbool Mahmood S. Gundial Singh Salaria	Barristers, Amritsar
Hans Raj	the villain, later truned approver
Mr. Johnson	Manager, Chartered Bank Amritsar
Mr. Ross	Asstt: Manager, Chartered Bank, Amritsar
Mr. Stewart	Manager, National Bank, Amritsar
Mr. Scot	Asstt: Manager, National Bank, Amritsar.
Miss Sherwood	Inspectoress, Schools, Amritsar.
Mrs. Easden	Lady Doctor, Zenana Hospital, Amritsar
Mr. Benjamin	Sub Asstt: Surgeon, Zenana Hospital, Amritsar
Mst. Mathri	Dai, Zenana Hospital, Amritsar
Mr. Robinson	Railway Guard Amritsar
Sergeant Rowland	Electrician, Amritsar
Mr. Hasan Imam Mr. Puri Mr. Aziz Ahmad	Defence Counsel before Hunter Committee
Mr. Herbert	Prosecutor before Hunter Committee
Col : Johnson	Senior Military Officer, Lahore.

Col : Macrae	Military Officer, Qasur.	
Mr. Marsden	Military Officer, Qasur.	
Lt. Col : O'Brian Mr. Bosworth Smith	Extremely cruel officers around Gujranwala.	
Mr. Montmorency	D. C. Lyallpur	
Mr. Justice Leslic Jones	Judge, High Court	Presidents of the four Commissions for trials under Martial Law
Lt. Col. A. A. Irvine,	Sessions Judge	
Mr. H. N. Prenter	Sessions Judge	
Mr. Justice Broadyway	Judge, High Court.	

ERRATA

An ERATTA is an essential, though ugly, component of any book. The author has always despised it. To his dismay, however, it has had to be added. It appears that the corrections carried out in the final proof were blissfully (the word 'negligently' is avoided) considered beneath notice and ignored at the composing stage. The author, therefore, apologetically and with regrets, seeks the indulgence of the esteemed reader to very kindly make the following corrections before reading the book.

PAGE	LINE	FOR	PLEASE READ
72, 73	—	Pages 73 & 72	Pages 72&73
188 to 270	Top lines	Matal Raw	Martial Law
3	Last but one	delte full stop after '1920', and substitute t for T in the word 'The'	
6	23	New paragraph starts from 'One could' and not from line 27, starting with 'Quoting'.	
6	20	and	but
8	3rd, from bottom	Ghandi	Gandhi
10	10th, from bottom	politician	politicians
11	11th, from bottom	sight	'sight'
12	top	due	due"
12	2	arduous	an arduous
13	12, from bottom	Stenographer	stenographer
15	8	add comma after 'event'	
16	4th, from bottom	add comma after April'	
17	5th, from bottom	beaurocrats	bureaucrats
17	6th, from bottom	beaucracy	bureaucracy
18	12	add comma after 'pre-meditation'	
20	13th, from bottom	substitute full stop for comma	

21	14	on	an
22	16	Xileix	Dupleix
23	3	add comma after 'wrote'	
25	8	omit word come and add comma after 'history'	
25	10	he	the
25	14	substitute (,) for (;)	
31	2	opinion	Opinion
31	7	Gandi	Gandhi
31	10th, from bottom	Muslim	Muslims
31	6th, from bottom	'National'	'national
	Do	Communal	communal

PAGE	LINE	FOR	PLEASE READ
32	11	add inverted commas before God	
33	14th, from bottom	spre heeded	spear headed
33	6th, from bottom	add (,) after 'Then'	
34	8th, from bottom	garden	gardens
36	6th, from bottom	loyalty	loyally
37	2	add (,) after Never'	
39	11	add (:) after 'said'	
46	14	omit dashes in 'out of the ordinary'	
46	16	ta	to
46	2nd, from bottom	omit dashes in 'all-too-suddenly'	
49	18	add (,) before word 'and' omit it after that word.	
51	14	te	the
53	4	beaucracy	bureaucracy
56	4	tha	that
61	last line	a	an
66	12th from bottom	O Dwyer	O'Dwyer
68	italicised heading	burg	bury
69	9	he	He
70	14-15	Propagaganda	propaganda
70	15	Socalled	so-called
70	15	pulicly	publically
70	18	add (,) after 'which'	
70	19	add (,) after 'resistance'	
71	13	insultated	insulted

72	2	these	had
72	3	theorder	the order
73	14	add (,) after 'Bazar'	
73	4th, from bottom	whole line be deleted	
73	2nd, from bottom	natrally	naturally
74	11th, from bottom	as	and
74	11th, from bottom	madened	meddened
76	18	fahion	fashion
77	13	face	feet
77	18	add (.) after School'.	
77	7th, from bottom	mormalcy	normalcy
77	2nd, from bottom	delibrately	deliberately and add (,) thereafter
77	last line	add (,) after 'inadvertance	
78	4th, from bottom	omit (,) after 'to'	
		add (,) after 'hound'	
79	5th, from bottom	catachword	catchword
79	7th, from bottom	add (,) after 'that'	
85	7	ag	age
85	18	faet	fact
85	8th, from bottom	Racee	Recee
87	1 and 2	delete 'altogether'	
93	14th, from bottom	add (,) after effect	
95	last line	delibrate	deliberate
96	3	add (,) after 'all'	
97	3	dispised	despised
97	6	add (,) before and after 'now'	
99	10th, from bottom	omit (,) after 'already'	
109	3	add (,) after 'feel'.	
110	15	beaurocracy	bureaucracy
112	8	add (,) after bungalow'	
113	14th, from bottom	substitute (.) for (;)	
-do	13th, from bottom	in	In
-do-	11th, from bottom	substitute (,) for (-)	
-do-	8th, from bottom	or	for
-do-	7th, from bottom	after (,) and before 'in' add "had succeeded"	
-do-	last line	plice	police
-do-	5th, from bottom	substitute (.) for (;) and P for (p)	

114	12	add 'were', after the word 'bales'	
115	last line	unqnote at end	
116	Main heading	Beaurocrat	Bureaucrat
117	12	ethe	the
118	6	Coxton	Caxton
112	4th, from bottom	add (,) after 'narrates'	
112	3rd, from bottom	add (,) after 'behalf'	
130	2	3	13
130	9	Briton	Britain
132	4th, from bottom	Utham	Udham
133	10	Sahah	Shah
133	11th, from bottom	add (,) after 'present'	
134	13th, from bottom	Yar	Yard
154	2nd, from bottom	Add (;) after 'fought'.	
156	11th, from bottom	Geceroy	Viceroy
157	15	Omit inverted commas and substitute 's' for 'S'	
158	19	Omit inverted commas	
159	8	aabroad	abroad
163	18 to 22	Delete entire line starting from ',even criminals" upto 'extravagent requests"	

PAGE	LINE	FOR	PLEASE READ
164	14th, from bottom	delete word 'the'	
169	1	general	General
169	2	ferosity	ferocity
177	7	even	ever
178	14 & 15	delete the lines starting from word 'sacrifice' upto "englishmen".	
179	1	Robindranath	Rabindrana-th
181	8	add (.) after 'censor'	
182	6th, from bottom	any	say
182	7th, from bottom	compleed	compelled
183	9	final	finest
186	10th, from bottom	Americans	Armenians
186	3rd, from bottom	dawns	damns

186	last line	omit (.) after 'view' and substitute small "w" for capital "W"	
186	1	delete the word 'the' and add the word 'of' after the the word 'up'	
187	8	ould	would
190	6th, from bottom	go to up	got up
191	6th, from bottom	is	as
195	12	join, words 'would' and 'be' with a dash	
195	10th, from bottom	collecte dand	collected and
200	9 and 10	delete the entire lines. they are repeated	
200	21	exclusive	exhaustive
205	5	harfal	hartal
214	7	Ratlan	Ratan
218	1	neithsr	neither
219	16	being	bring
226	20	vilent	violent
228	1	gober	Governor
233	9	hown	shown
233	10	native	naked
237	8	vilent	violent
237	4	intinerant	itinerant
240	20	Duui	Duni
250	2nd, from bottom	No	Na
255	10	Convinceb	convinced
258	6th, from bottom	omit the word 'of'	
263	13	brrister	barrister
264	5th, from bottom	was	war
264	last line	defence	defiance
265	22	omit inverted commas after word 'however'	
266	7	unproved	unprovoked

CONTENTS

PUNJAB — 1919

"HOW shall our love console thee, or assuage
Thy hapless woe; how shall our grief requite
The hearts that scourge thee and the hands that smite
Thy beauty, with their rods of bitter rage?
Lo ! let our sorrow be thy battle gage
To wreck the terror of the tyrant's might
Who mocks with ribald wrath thy tragic plight,
And stains with shame thy radiant heritage!
O beautiful ! O broken and betrayed !
O mournful queen ! O martyred Draupadi !
Endure thou still, unconquered, undismayed !
The sacred rivers of thy stricken blood
Shall prove the five-fold stream of Freedom's flood,
To guard the watch-towers of our Liberty".

SAROJINI NAIDU

PROLOGUE

The little school boy earned just five marks out of fifty in his history paper. The exasperated parent was administering a stern scolding on the boy's poor showing. "But what else could I have done, father"?, meekly murmured the innocent boy; "here is the question paper; you can see for yourself that all the questions relate back to a period of time when I was not even born".

The Jallianwala incident dates back to the year 1919 when most of those living today were not yet in this world. The event itself, its contours and their implications, its impact and consequences, its background and the aftermath are, however, too important and valuable stuff to be allowed to slip down and fade away into oblivion on the ground akin to that advanced by the little school boy.

A few minutes before sun-set, on the 13th of April, 1919, General Dyer opened fire at the unwary gathering in the Jallianwala Bagh and, in fact, "by the time he gave orders to cease fire the sun had begun to set on the British Empire". Jallianwala was that important a happening. And to recall its details is, therefore, no idle ripping open of old graves–it is so educative, revealing and meaningful. "This (Jallianwala) is an episode", said Churchil, "which appears to me to be without precedent or parallel in the modern history of the British Expire. It is an extraordinary event; an event which stands in singular and sinister isolation". In fact by the summer of 1920. The issue had become a storm in which the British government found itself fighting for its life.

Compared to the long-drawn-out happenings of 1857, known as 'Mutiny' to some, and a 'War of Independence' to others, the Jallianwala incident of 1919 was, as it were, little more than a one-Act play, as against a full blooded Shakesperean drama. But with it, several coy myths exploded instantly and its repurcussions coloured the entire political scene for many years to come, both in India and in Great Britan. In fact, the British Lion had its tail badly twisted and its prestige deeply dented in the process. The abdication of power which came about, ultimately, in 1947, was deeply and directly embedded in the terrible happenings of 1919.

The words 'Amritsar' and 'Dyer' were burned into the brain of every regular officer; the fear of political repurcussions, if he acted against the mob, was too strong. "Year after year", writes Arthur Swinson, "instructors at Sandhurst would lecture on 'Aid to Civil Power'; explain its intricacies; warn students that it was fraught with danger; then add with a nervous laugh: the best advice I can give you people is to pray that you will get through your Army careers without ever getting mixed up in it". The fear was, as well, *palpably* present in the minds of the civil administrators. As Philip Woodruff puts it: "From now on, it was not the first object of the Government to keep order. To the District Officer this often seemed, in some ways, dishonest or immoral. But Parliament and the English people were now committed to handing over power and training Indians to govern themselves. From now on, they were bound to be responsive to Indian opinion. In short, the District Officers were scared to call in the military and the military were scared to act firmly, once called". This loss of face and fall-off in prestige, in fact, marked the beginning of the end of the mighty Empire. Alfred Draper has very significantly, and rightly, titled his book on the subject as "*Amritsar: The Massacre that ended the raj*".

Few events in world history present a more varied and prismatic view of their causes and consequences, than the

Jallianwala incident. It has been examined and re-examined, interpretted and misinterpretted, read and misread by different people, at different times, in different tones and overtones. There are charges and counter charges; arguments military have been put against arguments legal; arguments moral against arguments humanitarian. One has to read between the lines, every now and then, to steer clear of the consequent myth and mist and, more than often, it becomes passing difficult to separate grain from the chaff and to argue the case on any settled level to reach a logical conclusion. Legend and Reality stand so intimately intertwined, so inseparably, at times. Very few people know the real facts. Truth has become buried beneath a rising mound of prejudice, suspicion and hatred. The issue–moral, military, legal and constitutional – stands entangled. "There were soldiers involved, who had no understanding of the subject of "aid to civil power"; Lawyers, who were completely ignorant of martial law; politicians who understood nothing but their ambitions".

In many ways The Dyer story looks like that children's toy, the *Kelidoscope;* you shake it, time after time, and the pieces form a new pattern every time, each one effective, complete and wholesome in its own way. One could, for instance, pick out the incident relating to Sardar Udham Singh who shot down O'Dwyer in the year 1940, at Caxton Hall, London, at the end of a meeting.

Quoting from "Trial of Udham Singh", J.S. Grewal and H.K. Puri, in their book "Letters of Udham Singh", tell us: "Udham Singh was standing in the gangway, on the right side of the Hall and moved quickly as soon as the meeting was over. Shots were heard and Sir Michael O'Dwyer was seen falling, with *Udham Singh standing close to him*. . . . .Udham *Singh did not try to escape.* . . .a person named Claud Wyndham Harry Riches and Capt. Binstead *caught hold of him* and his revolver was handed over to the police . . .Udham Singh was rather keen to confess what he had done. He was

cautioned: "you will be detained pending further enquiry"; but he said, "it all over". Then nodding in the direction of O'Dwyer lying *about 12 feet away* he said "it is there"

Arthur Swinson, auther of "Six Minutes to Sun-Set" however, records the incident thus: "as he, Dwyer, turned to sit down some shots rang out. O' Dwyer fell to the floor. There *was a scuffle at the back of the Hall as women members of the audience clung to the clothes of a Sikh till their menfolk could race over to overpower him.* The assasin was Udham Singh. . .at *first he denied that he knew the identity of the man he had killed but* the police found on his person a note of O'Dwyer's address at Thurlestone in Devenshire.

The auther of this book, hailing as he does from Amritsar, had heard lots and lots about Jallianwala, from his elders in the family and from the senior advocates of the Amritsar Bar. It was thrills and lessons all. But the story was replete with many incongruities and too many ifs and buts. He therefore always felt like attempting an objective re-assessment. He collected his wherewithal from sundry sources and it would have, perhaps, taken some time to publish this book. The immediate incentive, however, to do so was provided by Sir Richard Attenborough's much trumpeted film "Gandhi", showing to a packed house at the prestigeous Odean cinema in London. The author was on a short visit to England in December 1982 and he very much wanted to see the film for the sake of its relevancy to the subject matter of this book. He could not, however, make it; all seats had been booked in advance for three months to come. He had, luckily, the benefit of viewing on T.V., a few scenes from the film, in the evening of December 22, 1982, and also of reading Mr. Rahul Singh's review on the film, published in the Readers' Digest (December 1982 issue, British edition). It was amusing to read, therein, that during the shooting operations of the film, when the Jallianwala scene was re-anacted "two Sikhs in the crowd got so carried away that instead of fleeing in panic, as Director Attenborough had ordered, they

charged at the soldiers, brandishing batons and shouting *"Asi Larke Marange* (we will die fighting)". This, otherwise insignificant incident, like several others, portrays more than meets the eye. Rahul Singh might have been actuated in reducing this incident to cold print,by his sub-conscious desire to project the chivalry and martial spirit of the community to which be belongs. This was, however, by and large, mere wishful thinking; just being wise after the event. The thirty five thousand strong gathering which, of course, included the sikhs too, had acted like a flock of lambs and sheep and, without least show of any resistance, they took to their heels in an astonishingly dumb and cowardly fashion, literally taking the injury, as well as the insult, completely *lying down'*. In his report on the incident Dyer had said "The crowd was so dense that if a determined rush had been made at any time, arms or no arms, my small force must instantly have been overpowered". But this was not to be.

Rahul Singh must be a well read gentleman and the following incident narrated by Rupert Furneax in his book. "Massacre at Amritsar" must also have caught his eye. He might, as well, have thought of repudiating the insinuation, which is palpably derogatory, hinted in the story, which recortds that, barely a fortnight after the ghastly massacre, when Dyer returned to Amritsar, he was invited to the Golden Temple by the chief priests and leaders of the sikhs who eulogized his firing order as an ',act of great mercy". And then followed the followed coversation:

"Sahib", they said, "you must become a sikh even as Nikalseyn Sahib (General Nicholson of Mutiny fame) became a sikh. The General thanked them for the honour but objected that he could not, as a British Officer, let his hair grow long. Arur Singh laughed, "We will let you off the long hair", he said. General Dyer offered another objection: "But I cannot give up smoking". "That you must do", said Arur Singh. "No", said the General, "I am very sorry, but I cannot give up smoking". The priest conceded: "We will let you give it up gradually". "That I promise to", said the General, *"at the rate of one cigarette a year"*.

Ian Colvin continues his "charming" story: "The Sikhs, chuckling, proceeded with the initiation. Gen. Dyer and his colleague, Captain Briggs, were invested with the five *Kakkas*, as sacred emblems of that war-like brotherhood, and so became sikhs. Moreover, a shrine was built to Gen. Dyer at their holy place, Guru Sat Satlani. And when, a few days later, came the news that Afghans were making war on India the Sikh leaders offered the General 10,000 men to fight for the British Raj, if only he would consent to command them. General Dyer reported this offer, but was refused, and a magnificent impulse of loyalty was allowed to fade away".

It is difficult to stomach this "charming" story wholesale. Sikhs are a very intelligent community and,at least,could not have failed to see through the General's humiliating joke that he would give up smoking *at the rate of one cigarette a year.* Why, after all, should they have come down on their knees to woo the General?. Their community would have been none the poorer without him (Dyer). It is also to be pertinently observed that, even though it came about after 21 years, it was none other than a Sikh, Udham Singh, who shot O'Dwyer dead and then, that even after 63 years, during the shooting of the film, again it were only two *Sikhs*, who came forward to exhibit their inner revolt and repugnance against the acts of omission of the ancestors of the year 1919.

Identical anomalies surface viz-a-viz the great Mr. Gandhi himself. "Mahatma Gandhi", said Samual Brrow,"combines attributes of a saint with some attributes of ordinary mortals. He fasts from time to time to atone for the sins his followers have committed as a consequence of his own exhortations". Here, one has to agree.

It is a matter of common knowledge that Dyer's story is rooted in the *Satyagraha* movement conceived and promulgated by Mr. Gandhi himself, in protest against the Rowlett Act. On the eve of Jallianwala happenings Mr. Ghandhi was proceeding to Amritsar, obviously to foment the agitation that was already afoot. The Punjab Government prohi-

bitted, in good time, his entry into the province. This fact ignited the unrest and aggrevated the situation leading to riots, loot, murder and arson, in consequence of which came the massacre at Jallianwala. Mr. Gandhi was thus, without doubt, the god-father of all the happenings.

In the Christmas of the same year, when India had not yet recovered from the shocks of Jallianwala, a resolution was moved in the annual session of the Congress, condemning the massacre at Jallianwala as well as *"the mad frenzy of the crowds during the preceding riots"*, thus equating the murder of four or five Europeans with the massacre of several hundred Indians. The latter part of the resolution led to rowdy scenes in the Session; a Punjab leader going to the length of saying that "no one born of an Indian mother could have drafted this resolution". The resolution was, consequently, passed minus the unsavoury later portion. K.M. Munshi, a disciple of the Mahatma, tells us that this resolution had been drafted by none other than Mr. Gandhi himself. He passed a restless night and, the next morning, moved for a review of the resolution so as to re-incorporate therein the delected portion. "He spoke for full one hour", says Mr. Munshi, and acted "as if his whole life depended upon the question". Acid insinuations were levelled and unprecedented redicule was poured on him. But he stood firm and carried the day and got his Congress to resolve that what the crowds had done (in pursuance of this own exhortations) was *a mad frenzy*, to be denounced as much as the cold blooded murder of hundreds of contrymen.

This incident has been detailed in Chapter 10 of this book. What else could be "running with the hare and hunting with the hound"? Those who laid down their lives had absolutely no axe of their own to grind. They had been brought on to the streets by Mr. Gandhi himself. And all this, for not a very big cause either. The not-very-distant place, Dharamsala, was no Andemans; and if Doctors Satyapal and Kitchlew had been deported to that place, heavens were not going to fall. What was to be later termed as a *"mad frenzy"*

had been ignited by Mr. Gandhi and his congress-men themselves. And then, the supreme irony of the whole story, further-more is that the powers under the Rowlett Act were never used. They had proved completely unnecessary. It was all an ado for nothing.

Shortly before his death, Dyer said, as reported herein elsewhere, "I only want to die and know from my Maker whether I did right or wrong". In this, his final appeal, if he (Dyer) needed any evidence in defence of his action, Mr. Gandhi would certainly make a star witness for him.

Even during the settled peace of Mughal days when Hindu-muslim clevage was not at all so pronounced as it came to be in later years, Mr. Gandhi could not conceal his hatred for the Muslims and for the Muslim rulers of the time, and unreservedly declared that they were *malichhs* (polluted), to be driven out of the country. Sevaji, he maintained, was perfectly justified to kill Afzal Khan by deceitful methods—a means to that end.

Hindu-muslim warfare touched its peak on the eve of Independence. The prevailing conditions are beautifully summed up by the auther, of *"Six Minutes to Sunset"*, thus.. "corpses of men, women and children lay in their thousands stinking in the gutters and in the open, until the only garbage collectors in India, the vultures, picked them clean. And with every mouthful they picked away the fabric of United India and finally tore it in two. Even in this catastrophe the attitude of the Indian politician towards violence remained ambivalent. While Pundit Nehru and other leaders complained of delay in British military intervention in the 1946 riots in Calcutta, and even Sardar Patel begged several times for military aid from the Viceroy to restore order, Mr. Gandhi was arguing that if British troops were kept in India during the period of interim Government the whole situation would be reduced to a farce. In the summer of 1947 even Pundit Nehru said 'I would rather see every village in India put to the flames than to have called the British troops to protect

us'. But two days later, when he became Prime Minister of India, he flew to Amritsar and what he saw there, and later throughout the Punjab, drove him almost to the borders of madness. He rushed among the Sikhs and Muslims whose thirst for slaughter was unquenchable; he struck them with his fists in a rage of frenzy and despair and implored them to stop. But he might just as well have tried emptying the Ganges with a bucket. That day, he (Pundit Nehru) came face to face with reality. Did he, one wonders, at this moment think of Dyer and O'Dwyer; of the British Rule, holding a balance between rival interests, religions and races; that only timely action could prevent a violance spreading like forest fire. At least 6,00,000 people had been buchered, 14 lacs had been driven from their houses and one lac young girls were forcibly kidnapped or converted or sold in auction. In comparison, the whole uprising of 1919 had been put down with the death of about 500 men; now, that number were being killed every minute. And both the killer and the killed were Indians".

"Much can be said for both sides", always replied one of the old professors at the University Law College, Lahore, when he found himself in a difficult corner, faced by an intelligent or thorny problem. Much, and perhaps more, can be said for both sides, in relation to Jallianwala too. And this alone will perhaps justify the collection and compilation of the documents, views and delibrations presented in this work.

Like the band of blind men of the fable, who professed to have 'seen' an elephant by 'touch', no two persons who have actually 'seen' an incident through 'sight, will render a verbatim report of their perceptions in identical tone and tenor. The author had therefore to take pains to wade through a monstrous mass of quagmire in order to separate fiction from truth and to present an objective appraisal of the extraordinary event . While drawing his conclusions he has endeavoured to travel in straight furrows, carefully avoiding to be deflected by bias or ill will. "Devil too must

have his due and it has not been denied to any body who merits. This is, doubtless arduous task and it is for the readears to assess the author's effort in this behalf.

Except perhaps to the extent of the personal flair known as individuality - in matters of style, diction, language, selection and presentation - no author of any book of this type can possibly lay any claim to originality. His scope is always circumscribed and he has got to draw his source material from here and there and to re-tell a story, already told or re-told.

Acknowledgements

In his efforts in the above direction, the author owes lots and lots to his own son, Amjad Latif, managing the Pakistan National Bank at Edinbrough (U.K), who got him to the Edinbrough Libraries, where he was able to lay his hands upon several books and documents relevant to the subject matter of the book, including in particular, the "Massacre at Amritsar" by Rupert Furneaux and Arthur Swinson's, "Six Minutes to Sunset". Valuable details about the trial of Udham Singh, the man who shot O'dwyer in London, and several important incidents of Anglo. Indian history were also picked up from there.

The author is grateful to Dr. Abdul Hafeez of Stourbridge (Birmingham) who encouraged him in his efforts and gave him a valuable clue to an important book written by Alfred Draper, "Amritsar: the Massacre that ended the Raj", to which the author was able to help himself later.

People an both sides of the border had to virtually wade through blood during the gruesome migration of the year 1947. The author could never visit Amritsar thereafter. He had no idea of the Jallianwala Bagh as it stands today. He wrote to his erstwhile advocate friends at Amritsar for some photographs of the place but, for reasons not known, none responded. One should hope that they are all alive still. In

despair, the author deployed the good offices of his colleague of the Multan Bar, Mr. Mashkoor Sabri, advocate, who has contacts on that side of the border where his journal, "Waris Shah", has a fairly wide circulation. He was good enough to provide names and addresses of about 30 gentlemen. As if by mere intuition, the author picked out two of them & wrote to them for the required stuff. Dr. Dharam Singh Ph. D. of the Guru Nanak Dev University, Amritsar, promptly responded and despatched the original negatives of half a dozen photographs of the place alongwith an extremely pleasant letter. Dr. Pritam Singh of Patiala did not lag behind and sent another set of photographs alongwith a highly informative letter and a copy of the book, "Letters of Udham Singh", edited by G.S. Grewal and H.K. Puri of the G.N.D. University, Amritsar. The author cannot adequately thank both these gentlemen for their wonderful cooperation, extended for the mere asking of it, to a man whom they have never seen in life and who has never seen them either. What great people are there still in this world! Dr. Pritam Singh wrote to say that it was through the good offices of the Public Relations Department of the Punjab (Bharat) Government that he was able to collect the material. The author therefore feels duty bound to acknoledge his indebtedness to the said Department as well. And, in no lesser a degree, the author is "Mashkoor" to Mr. Mashkoor Sabri as well.

The author is enormously grateful to Stenographer, Mr. Muhammad Saeed, who typed all the manuscript at great personal inconvenience, maintaining all the time the usual broad smile on his face, even when, at times, he was tired after a hard day's work, and was not even feeling well.

The author's friend and colleague of the Amritsar Bar, Khwaja Saeed, now a leading advocate at Jhelum, procured the beautiful photograph of Dr. Saif-ud-din Kitchlew which is incorporated herein. The author ackowledges the valuable assistance.

Amjad, on his brief visit to Pakistan last month, did some proof reading. His brother Shahid Latif and sister

Abida, aided by the author's grand children, Imra and Imran, helped him in going through the proofs. Their assistance has to be acknowledged and placed on record. The very few mistakes that escaped all this vigilance have only to be regretted.

Ch. Zia-ud-Din Josan, a great friend from the cricket fields, is deeply interested in history, more so of Amritsar and, still more, of Jallianwala on account of the rather amusing fact that Udham Singh, the man who accounted for O'Dwyer's murder, was a *kamboh* by caste. Ziauddin *Kamboh* has, in any case, to be thanked for his enormous interest and sundry suggestions in bringing out this book.

Grateful mention has to be made of Mr. Fida Hussain of London who procured two valuable books – *Farewell to Trumpets* and *The White Sahibs in India* – which had considerable bearing on the source material of the book.

Begum Nasim Salahuddin Nagi exhibited an extraordinary artistic talent in painting, from pure imagination, a scene of the scramble at Jallianwala, to be printed on the dust cover of the book. But it was received late and could not be so incorporated. Her contribution is however accredited with gratitude.

Mr. Muhammad Umer Khan of the Caravan Book Centre, Multan Cantt. is more of a man than a businessman. In the course of his earlier publications the author had a none-too – happy experience of the community of publishers and printers. Mr. Umer Khan is a man of a different mettle altogether. But for his cooperative and extremely friendly deportment, this book might not have, perhaps, seen the light of the day, the author might have been left in the lurch long ago. He is grateful.

Lastly, it is the author's most pleasant duty to sincerely thank Mr. Justice (Rtd.) Zaki-ud-Din Pal, who is also rooted in Amritsar. He snatched valuable moments from his crowded and busy hours to write out a Foreword for this book on a subject of which he is personally cognizant and in recounting its particulars and details, he must naturally be interested personally too.

43, Hussain Agahi,
Multan.
1.9.1983.

M. A. Latif Amritsari

CHAPTER 1

INTRODUCING THE VENUE

Jallianwala Bagh: A misnomer: A milestone.

In the heart of the sacred city of Amritsar, not far from that "little gem of marble and gold in the middle of a great tank of glassy water"—the Golden Temple—the Darbar Sahib of the sikhs, lies the Jallianwala Bagh, the venue of the ghastly tragedy, recounted in the following pages. Like *men* themselves, some *places* too have, sometimes, greatness "thrust" upon them. They become so fused with events, or one particular event taking place in them, that their very names are charged with a special meaning and significance. A few hours before sunset, on April 13,1919, the shower of bullets that descended upon this little known place, instantly brought it on the world map and, ere long, it emerged as one of the best known places in world history.

It was sheer misnomer in 1919, to call this strip of land, with just three stray trees and not a blade of grass on it, a *Bagh* (garden). It was an open low-lying piece of waste land, profusely laden with dust, rubbish and rabble; its uneven surface punctuated by deep depressions and unsightly contours. It was private property of some people of Jalli tribe, we are told, and was utilised, occasionally, for second-rate public gatherings and, mostly, for petty sports like *Gulli-danda* and improvised cricket, hockey or footabll, played by bare-footed and meagrely clad urchins and riff-raff of the surrounding thickly inhabited residential area. Gapping at two or three points, there existed an apology for a perimeter wall, varying in height from four feet to seven, tottering, dilapidated and irregular in form. The place, about 200 by 100 yards in area, was flanked, on all sides, by residential houses, mostly of the middle classes of society, over-

looking into the unsightly interior of the *Bagh*. The only entrance was through a narrow lane on the north, about seven feet wide, opening into the bazar running further north. The gaps in the boundry wall could just admit one or two men at a time.

In fact the narrowness of this lane proved a big blessing for the people of Amritsar as the armoured cars of General Dyer could not pass through it for the intended clean sweep. Otherwise, as remorselessly admitted by him later, he would not have hesitated from machine-gunning the gathering.

Jallianwala Today

Today, Jallianwala Bagh is a completely metamorphosed show piece, a prestigeous National Memorial. Its custodian, the Memorial Trust, is always eagre to ensure that the memories of the martyrdom, associated with the place, do not fade out as the memories of the British Raj in India grow more and more remote with the passing of years. A 45 feet high pylon of red stone, with its basement of red granite, symbolic of the Flame of Liberty, stands out as the National Memorial to the 2000 odd martyrs of the Bagh. The ground has been raised by about five feet to bring it up to the nearby road level. Surrounding the base of the polan is a pool, flanked by four big lanterns. As one enters the Bagh, there is a pergola, or open terrace, 60 feet by 100 feet, made of stone. This was the spot from where General Dyer's soldiers had started firing. There is also a beautiful children's bathing place, well laid lawns and flowers, tall cypress trees and everything else that go to make the place a Bagh in the real sense of the word. On all four sides of the Memoral are inscribed in Hindi, Gurmukhi, Urdu and English:

In Memory of Martyrs, 13th April 1919.

Today, any one who enters Amritsar, has the Golden Temple and the Jallianwala Bagh on his priority list of places to be visited for a homage.

The City of Amritsar : its lay-out

Before 1947, the Punjab, with its area of 136000 square miles (15000 square miles greater than England, Scotland, Wales and Ireland put together) was always referred to as the sword-arm of India. Amritsar was, population-wise, the second biggest town of the Province, though commercially, it was second to none, not even to Bombay, in the whole of India. In its form and lay-out it was oval shaped. The Railway track running from Lahore to Jullundur, separated the main town from the Civil Lines area. The two segments were connected by three over-head bridges–the Hall-Bazar Bridge, the *Paurianwala* (Pedestrian) Bridge and the Rego Bridge. The main city was surrounded by a perimeter wall with its 13 gates, of which the Hall Gate was the most important as, inside it, ran the modern beautiful Hall Bazar, the hub of commercial activity, with all its fasionable shops and three international banks, viz., the Chartered Bank, the National Bank of India and the Alliance Bank. At the farthest end of this bazar was situated the beautiful Town Hall and the Kotwali.

A revengeful beaucracy is worse than a frenzied mob.

The saga of blood and tears, associated with Jallianwala, is extremely sickening, horrible and deplorable. It has, however, its bright spots too. It is, and has always been, a great eye-opener and a big lesson for the ruler and the ruled alike; for the former, a lesson in forebearance and balanced sense of proportion; for the latter a lesson in self-control and discipline. How pertinently observed Machiavelli-"Better, far than any number of fortresses, is not to be hated by your people". This short and precious formula was disregarded and flouted with contempt and impunity by a set of hot-headed beaurocrats of the time. The atrocities perpetrated at Amritsar proved that power-drunk bueaucracy, blinded by personal vanity and guided by malice, arrogance and a spirit of vindictiveness, is prone to run amuck and, in that event, it is far more destructive and dangerous than a frenzied uncontrol-

able mob. Without doubt, when an unruly mob gets out of hand it does things pretty bad and cruel. But all this is generally born of a fleeting passion and is seldom planned and designed. The fleeting passions automatically cool down with the fleeting time. And this is, definitely, a mitigating feature of all riots. But in comparison, when the overlords of the ilk of Dyers, O'Dwyers, O'Brians, Bosworthsmiths, Jonsons, Dovetons, Irvings and other actors of the bloody drama of 1919 choose to, or are led to, run amuck, their thirst for vengeance is not easily slaked; they are much more unruly, cruel and unreasonable. Their misdeeds have the added stink of ugly pre-meditation. base motives and ignoble vindictiveness.

How rightly that veteran politician from the Punjab, Lala Lajpat Rai, observed, shortly after the jallianwala incident, on June 5, 1920:

> "I might be permitted to say to my educated countrymen that the question whether they will be treated in future as men or as beasts of burden, depends, in a large measure, on their own conduct and behaviour. It is for them to decide whether they are ready to sacrifice their individual preferments for the honour of the nation, or whether they will choose to be satisfied with the few crumbs that are thrown to them from the masters' table and to go to sleep again. Let us never forget that "Nations by themslves are made".

The countrymen did take a leaf out of the Lala's book of advice. The furore caused by the happenings of the year 1919, awakened the educated and the masses alike. In less than 30 years, India achieved Independence in 1947. Jallianwala was, indeed, an important milestone in the march towards this goal. And in the words of, Dr. Tagore: "The storm of the last night crowned the morning with golden peace"

One may as well recall, in this context, the great poet's great prayer:



A view of Jallianwala Bagh, in 1919



Jallianwala Bagh, in 1919



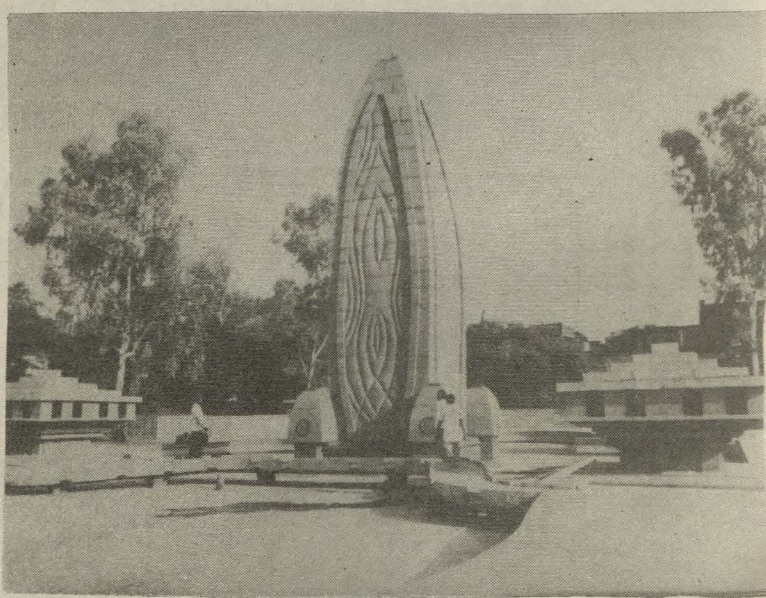
Entry to Jallianwala Bagh



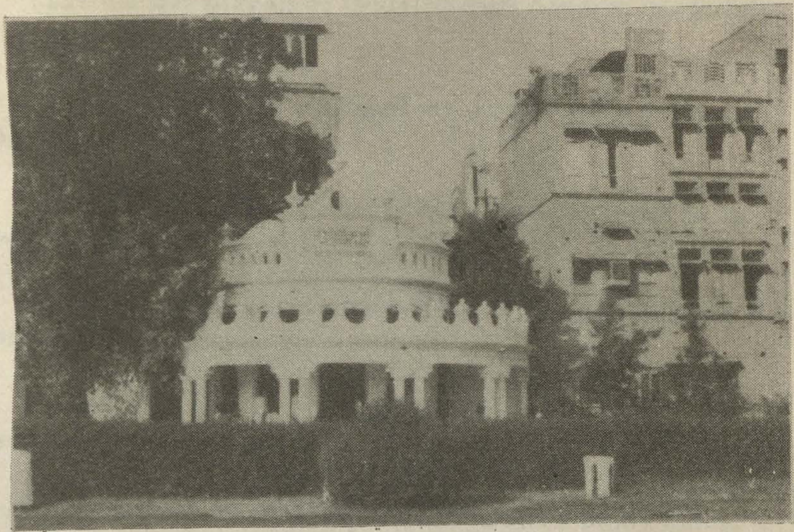
Hall Gate, Amritsar
Through which Dyer marched towards the Bagh on 13th April.



Buttlet marks in Jallianwala Bagh, Amritsar



Flame of Liberty
Jallianwala Bagh Memorial, Amritsar



Memorial Well
People jumped into this well to save their lives

'Let me not pray to be sheltered from dangers, but to be fearless in facing them;

Let me not beg for stilling of my pains, but for the heart to conquer them;

Let me not look for allies in life's battlefield, but to my own strength;

Let me not crave, in anxious fear, to be saved; but hope for the patience to win my freedom;

Grant me, that I may not be a coward, feeling your mercy in my success alone;

Let me find the grasp of your Your Hand in my failure".

CHAPTER II

BACKWARD GLANCES

From Trade To Territory

The longest journey in the world, goes the Chinese proverb, began with one step out of doors. Big events, so often, have small beginnings. So it was with the establishment of an Empire on which, once, the sun never set.

William Hawkins was one of the first English seamen who landed on Indian shores. In the year 1600, he was granted audience by Emperor Jehangir. Amazed and wonder struck, he was so fascinated by the bewitching grandeur of the Moghul Court that he exclaimed, in his excitement, that beside that georgeous soverign (Jehangir) "Queen Elizebeth appeared the ruler of a provincial hamlet". This, and identical observations tickled the fancy of the English community who became virtually enamoured of the country, and set their covetous eyes on the beauty and riches of the "golden sparrow" that, undoubtedly, India was, However, for pretty long, they kept their designs up their sleeves and imperceptibly wormed their way steadily, slowly and wisely, into the warp and woof of the country, the haven of their dreams. They initiated their campaign through their East India Company, with its inocuous motto- "TRADE, NOT TERRITORY", but, in course of time, they switched over to the ambitious slogan "TERRITORY, NOT TRADE".

Enter , Robert Clive

In the year 1744, a ruthlessly turbulant young boy from Shropshire, in England, blazing with the fire of youth and adventure, found a clerical job with the East India Company and sailed out to Madras.

During his voyage, which spread over a period of 14 months, instead of the usual six, on account of bad weather and sundry hazards, he, one day, fell over board into the deep sea while standing on the poop of his ship. He was, however, saved by the captain who was luckily close-by and who threw him a bucket on a rope which happened to be handy. Clive grabbed the bucket and was hauled back on board, having lost his wig and shoes in the process.

The long and onerous voyage had bored him outright; the clerical work, he was set to do, was dull and drab, thoroughly repugnant to his spirit of adventure; he was short of money and had run into debt; he had no friends at the place. In utter frustration, therefore, he decided, once and for all, to put on end to his wretched life by shooting himself. Reportedly, the pistol jammed. And the odd misfire altered the course of history—the desperado owed lots and lots to posterity.

This boy was none other than Robert Clive, the unruly school boy of the distant town of Market Drayton, who had been a constant headache to his teachers, a problem child to the parents and a bully to the townfolk, who was destined to be Baron Clive of Plassey. His capacity for fighting was noted when he was only ten. His rebellious attitude towards authority was notorious. At the head of a gang of school boys he terrorized the peaceable habitants of his town by levying a toll on shopkeepers for protection of their windows from stones. At home, as in the town, he was everywhere an abnoxious 'bull in the tea shop.' Everybody, including his father, therefore heaved a sigh of relief when this good-for-nothing boy was posted out, across the sea, and shipped out to India.

A troubled peace reigned over India in those years. The Moghul Empire was over the hill and almost akin to the last flicker of an expiring flame. Macaulay thus compares the state of India, following the death of Aurangzeb in 1707, with that of Europe after the death of Charlemagne: "Charles

the Bald, Charles the Fat and Charles the Simple have their counterparts in the later Moghul Emperors, sunk in indolence and debauchery, who sauntered away life in secluded palaces revelling in dainties and festivites of life, fondling concubines and listening to buffoons".

A Conquest by Inadvertance

The French and the British Companies were, at the moment, in direct competition for supremacy in Indian trade. Rival trade organizations, sponsored by the two countries, were operating side by side, each trying to elbow out the other. Dupieix, the shrewed and ambitious French Governor was a past master of intrigue. Obviously intrigue could not be countered except by intrigue itself. And Clive was the man for the job. He volunteered to attack the French-held Arcot with some 500 men, over half of them Indian sepoys, and succeeded in taking the town. Xupleix could not dislodge him and was therefore recalled to France in disgrace, in 1754.

Luck always favours the brave. Clive was, without doubt, brave and courageous. At twenty six, he had already given up the pen for the sword and was, in 1751, a captain in the Army when he had marched on Arcot and earned a bloodless victory, taking over physical possession of the Central Fort. From then onwards he never looked back and was engaged in a number of successful skirmishes, culminating in the decisive battle at Plassey on June 23, 1757. Here again, it was almost a walk over. The Nawab lost 500 men while Clive lost only 4 Europeans and 14 sepoys. The issue of battle was decided, in fact, not by the fighting but by the treachery of Mir Jaffer and other conspirators. Intrigue had paid him rich dividends. And Clive was not slow to acknowledge this fact candidly. On the day, following the battle, he wrote to Mir Jaffer saying "I congratulate you on the victory which is yours not mine".

Robert Clive was, without doubt, a man of extraordinary talent, a brilliant opportunist, watchful, far-sighted,

personable and untiring. More than anything else, he was highly ambitious. Even before he had actually reached Bengal, he wrote on his way from Madras—"We must indeed become Nobobs ourselves; in fact, not in name; perhaps totally so without disguise". He master-minded the campaign of 1757 which led to his victory at Plassey, and, instantaneously with this victory, the East India Company became the defacto sovereign of Bengal, Behar and Orrisa. A body of traders who were despised and looked down upon as mere pedlars, suddenly found themselves in possession of vast territories. And, with it, began the British conquest of India which was, as it were, a "conquest by inadvertance". "Such an extent of cultivated territory, such an amount of revenue, such a multitude of subjects was never added to the dominion of Rome by the most successful proconsul" as fell to the lot of the British.

From Rags to Riches

These traders were not angels, of course. History records that, stationed as they were in a distant country, far away from effective control of their masters beyond the seas, they could not resist the temptation to enrich themselves by abusing their newly achieved power. Bengal was, at the time, a prosperous region, rich in agricultue and famed, the world over, for its industries of silk and Dacca muslins. It was ruthlessly ravished and impoverished by the officials of the Company. It was estimated that "between 1757 and 1764, these officials took presents amounting to 5 million pounds sterling by way of illegal gratification". The officers of the Company set up and pulled down, at their pleasure, the puppet local Nawabs of Bengal. Mir Jaffer, who was raised to the throne in 1757, was deposed in 1760 to make place for his son-in-law, Mir Qasim. The latter was driven from throne in 1763 and Mir Jaffer was again restored. On the death of Mir Jaffer, in 1765, his illegitimate son, Najmuddaula, was placed on the *Masnad* in preference to his legitimate grandson. And all these machinations obviously yielded rich dividends to the officers of the Company.

Clive himself could not withstand and suppress the temptation to amass weath. His moral fibre appreciably deteriorated in the prevailing atmosphere. It is recorded that "wealth undreamed of flowed into Clive's private coffers; from Mir Jaffer he received more than a quarter of a million sterlings and an income of 27000 a year". In his "Essay on Clive", Macaulay thus depicts the conditions—"great princes dependent on his pleasure; an opulant city afraid of being given up to plunder; wealthy bankers bidding against each other for his smiles; vaults piled with gold and jewels thrown open to him alone"

During the period that followed, a succession of ambitions Governor-Generals relentlessly embraced the policy, and adopted the course, of expansion of the Empire and, in consequence, the Company of Traders was metamorphosed into a Sovereign Power; "its accountants and clerks were transformed into generals and governors; its race for dividends was converted into a struggle for Imperial Authority".

The Mutiny/War of Independence

Exactly a hundred years after Plassey, in the year 1857, Dame Forture once again smiled on the whiteman. The "War of Independence" or "the Mutiny", call it what you may, placed the British firmly and squarely in the saddle of authority over India. With it the Empire became a *faet accompli.* In fact, without having set out to do so, the British had become the successors of the Mughul Emperors. Whether the means justified the end or the end justified the means, remains an idle formality and a musing in futility. The less said about it the better. The hard fact remains that, for ever afterwards, the Indians had to lick their wounds in disdain, remorseful dismay, frustration and discontent. And all this, despite the innumerable reforms introduced by the new masters from time to time.

In course of time, with an extraordinary assembly of dominions, territories, protectorate, associated states and

colonies, that made up the British Empire, rooted in the little distant rain-soaked island of a few million people, made the "Nation of shopkeepers", as Napolean called them in contempt, the most powerful nation on earth, "heavy with gold. black with industrial soot, red with the blood of conquest".

Ultimately, during the Victorian era the British Empire was almost bursting at the scams and had expanded to become come the largest Empire ever known to history so that poet Christopher North aptly described it as an Empire on which he sun never set. "There were New Zealand sheep farmers, Canadians, some of whom spoke english some French, Boer descendants of the Dutch in South Africa, West Indian Sugar plantations, tribal chieftains along the river Niger; some administered by local officials, some by force of arms; some by brilliant entrepreneurs like Cecil Rhodes, who profitted from diamonds at Kimberlay and gold in the Transwaal, and founded the British South African Company, under a Royal charter in 1889, giving his own name to the developing country of Rhodesia".

Of them all, the "Jewel in the Crown" was India.

A race destined to govern

Naturally enough, the monied might that India brought to the Empire virtually turned the head of the white man. The white men, wrote Kipling, were "uniquely fitted to rule the lesser breed". He said further, "the responsibility for governing India had been placed by the inscrutable decree of the Providence upon the shoulders of the British race". This attitude of racial superiority was also summed up by an english I.C.S. officer in a parliamentry debate, in the following terms:

"This is a cherished conviction shown by every Englishman in India, from the highest to the lowest, by the planters' assistant in his lovely bungalow, and by the editor in the full

light of his presidency town; from Chief Commissioner incharge of an important province to the Viceroy upon his throne–the conviction in every man that he belongs to a race which God had destined to govern and subdue". To be born British was thus to win first prize in the lottery of life.

This sense of "superiority" naturally gave birth to an attitude of snobbery. Distances between the ruler and the ruled perceptiby widened day by day. The english officers mostly kept the natives at arms' length and began looking more of stuffed shirts than human beings of flesh and vlood. This touch-me-notish attitude naturally sowed the seeds of discord and hatred and visibly fomented dislike and apathy against them.



"THE ARAB'S CAMEL"
Emperor Shah Alam, delivering to Lord Clive the formal grant, confering in perpetuity, the administration of the revenues of Bengal, Bahar and Orissa, on the East India Company —12th. of August 1765



ROBERT CLIVE--Master of Bengal

"Hero of the British struggle against the French in the south of India; heaven-born general and founder of a great Empire; plunderer of Bengal and corruptor of English life; the many contrasting judgments of Robert Clive mirror the glory of a man who went to the limits of success and frustration and experienced the height of adulation and the depth of public scorn and private hate".



MR JAFFER

"Clive and Mir Jaffar needed each other, whatever their mutual suspicions, Clive to meet his requirement of a stable Bengal and Mir Jaffar his own requirement of continuance in office. The hope for union of hearts had become a marriage of convenience."



MIR JAFFER
"I congratulate you on the victory which is yours, not mine" wrote Clive to Mir Jaffer on the morning following plassey

CHAPTER III.

THE "SLEEPING BEAUTY" WAKES UP

Waves of Discontentment:

To the observation of Prof: Toynbee that British Statesmanship in the 19th century regarded India as a "Sleeping Beauty." Dr. Ambedkar retorted, saying "there can be no manner of doubt that those who have observed this "sleeping beauty" behave in recent years, feel that she is a strange being, quite different from the angelic princess that she was supposed to be. She is a mad maiden having a duel personality, half human half animal, always in convulsions because of her two natures in perpetual conflict"

This was because action always generates reaction. The birth of the Indian National Movement, in the eightees of the nineteenth century, was a natural consequence of the conditions prevailing at the time. The introduction and growth of western education had instilled in the minds of the educated classes, the ideas of Liberty and Equality. Sentiments of Nationality and Patriotism had visibly come to the surface. Knowledge of history had brought into focus the prideful achievements and acts of bravery, chivalry and herosim of the ancestors. Exploitation of the country and a differential treatment of the natives vis-a-vis the whiteman, had created feelings of discontent and mental revolt. The destruction of native crafts and trades had resulted in appalling poverty and occasioned economic frustration and dismay. The increasing number of educated persons found themselves faced with the monster of unemployment and were, more particularly, perturbed over the tendency of keeping better paid jobs out of their reach. The growth of the Indian Press and the equipment of the people with the knowledge of the english language provided an opportunity

to project, propagate and understand the views of the people from one end of the country to the other and thus brought them mentally closer.

First Lessons in Organized Agitation

The repressive policy of Lord Lyton's regime had fomented and palpably intensified the prevailing discontent. But the Ilbert Bill controversy, in the time of Lord Rippon, brought up all this smouldering discontentment to a head. In the time of Lord Lytton no European, outside the presidency, could be tried for a criminal offence except by an European judge or magistrate. In 1883 the then Law Member, Sir Courtney Ilbert, introduced a Bill in the Legislative Council, allegedly to do away with the anomally that "while an ordinary European magistrate could try a European offender, his superior, the District Magistrate, if he happened to be a native, could not try him". A wild agitation against this bill was set on foot by the Europeans. The Anglo-Indians and the non-official Europeans were the loudest to protest. They declared a social boycot against Lord Rippon himself and the members of his Council, and refused in disdain even to attend the entertainments at the Government House.

Sir, Henry Cotton, K.C.S.I., in his book, *"Indian and Home Memories"* describes the activities of the European Community in the following words:

> "The readers of Trevelyan's biography of Lord Macaulay will remember how the whole non-official world in India was banded together to resist what is conceived to be the monstrous injustice of Macaulays's "Black Act", which authorised Indian Judges to exercise civil jurisdiction over British-born subjects. But this crisis was as nothing in comparison with that which occurred in Lord Rippon's time when Sir Ashley Eden, shortly before his retirement, proposed an amendment in the criminal Law to give Indian Magistrates jurisdiction to try European offenders. This is the

measure known as the Ilbert Bill, because it was introduced into the Legislative Council by Sir Courtney Ilbert, who was then Legal Member. A public meeting of protest by the European community was held at the Town Hall in Calcutta; members of the Bar abandoned the noble traditions of their profession, and speakers and audience, frenzied with exitement, were lost to all sense of moderation and propriety. The Viceroy was personally insulted at the gate of the Government House. A gathering of tea planters assembled and hooted him at a railway station as he was returning from Darjeeling, when Bill Beresford, then an A.D.C., was with difficulty restrained from leaping from the railway carriage into their midst to avenge the insult to his Chief"

The Government ultimately bowed before the opposition and negotiated and compromised. But the controversy stirred up bitter racial hatred between Indians and Europeans. More than that, it opened the eyes of the people to the important fact that justice could not be expected when the privileges and vested rights of the dominent race were in question. It also revealed to them, in a greater degree, the helplessness of the British Government in the face of the Anglo-Indian agitation and, more than anything else, taught them that *organised agitation* was the only means, and indeed the most effective means, to bring the government down to satisfy their demands.

Birth of the Indian National Congress:

It was thus that the need was felt for an All-India Organisation. In March 1885, Messrs A.O.Hume and Surindernath Banerji called a meeting of representatives from all parts of India "to discuss and decide upon the political operations to be undertaken". The Indian National Congress was, consequently, founded at Poona in 1885. The attitude of the Government towards the Congress was, in the beginning, friendly. Lord Dufferin gave a garden party

to the delegates who attended the second session of. the Congress at Calcutta and so did the Governor of Madras, the following year.

Lord Dufferin forestalls what Muslims realized in 1940.

Before long, however, all sympathies were sapped and the same Lord Dufferin observed at the Annual St. Andrew's Dinner, held at Calcutta in November 1888: "How could any reasonable man imagine that British Government would be content to allow this microscopic minority to control the administration of that majestic and multiform Empire for whose safety and welfare they are responsible in the eyes of God and before the face of civilization? It appears to me a groundless contention that it (congress) represents the people of India. Is it not evident that large sections of the community are already becoming alarmed at the thought of such self-constituted bodies interposing between themselves and the august impartiality of English Rule?"

In course of time, the success of Japan in the Russo-Japanese War of 1904-05 stimulated the Indian National Movement and created a spirit of emulation in the breast of every Indian patriot. Can't India, it was argued and asked, which had a more ancient and more glorious past than Japan, become as great a nation as Japan, if she could just develop her sense of national patriotism and spirit of self-sacrifice?

The Satyagraha Movement

In about the same period of time, Mr. Gandhi was fighting the cause of the Indians settled in South Africa. In September, 1906 a monstrous mass meeting of Indians was held in Johannesberg where three thousand Indians took an oath to resist the Black Act" – a measure introduced to further tighten the existing Colour-bar regulations –by non-violent means. Mr. Ghandhi inspired by reading Ruskin's

Unto The Last had started a paper in Natal, and named it the *Indian opinion*, – to voice Indian grievances. He had, however, no name for the weapon of passive resistence which he had forged. He therefore, offered a prize, in the *Indian Opinion* , for a suitable name for his movement. MadanLall Gandhi is said to have won the prize by suggesting the word *Sadagraha,* which Mr. Gandi altered into Satyagraha.

The ill-treatment of the Indians in South Africa and the consequent Satyagraha campaign, launched by Mr. Gandhi added fuel to the fire. It came to the minds of the people that the degradation of their brethren in S.Africa was but a natural consequence of their own degradation in the country of their birth. Vociferous and wide-spread progaganda was launched to project the reports that the brethren in Africa were forced to lead sub-human lives, "among dung heaps", and were subjected to "discrimination even in road carriages, trains and cabs".

Incidently, what Lord Dufferin had said in 1888 (quoted above) about the unrepresentative character of the Indian National Congress, had to be proclamed by Quaid-i-Azam Mr. M.A. Jinnah, much later on the eve of the partition of India. "There are only two parties in India", delcared Mr. Nehru: "the Congress and the British". "NO", retorted the Quaid-e-Azam, "there is the third, the Muslim".

Mr. Gandhi Exposed

In fact the Muslims seldom considered their interests safe in the hands of the Congress or its Leaders. This was because, underneath their National cloak, the Communal tinge was always tangibly visible. What could be more significant in this context, than the stirring speach of Mr. Ghandhi himself delivered at the celebration of the Shivaji Festival, in 1897, justifying, much to the dislike of the Muslims, the murder of Afzal Khan at the hands of Shivaji? Said he:

"Great men are above the common principles of morality. . . .The Divine Krishna's teaching in the Gita tells us, we may kill even our teachers and our kinsmen and no blame attaches if we are not actuated by selfish motives. Shivaji did nothing from a desire to fill his own belly. It was in a praise-worthy object that he murdered Afzal Khan for the good of others. If thieves enter our house and we have not sufficient strength to drive them out, should we not, without hesitation, shut them up and burn them alive?

God has conferred on the Mlechhas (Hindi word for "polluted", referring to muslim rulers)no grant of Hindustan inscribed on imperishable brass. Shivaji strove to drive them forth out of the land of his birth, but he was guiltless of the sin of covetousness. Do not circumscribe your vision like frogs in well. Rise above the Penal Code into the rarefied atomosphere of the sacred Bhagavad Gita and consider the action of great men".

Indian Nation: A Misnomer

Then came the era of Lord Curzon (1888-1905) who was a man of strong likes and dislikes. He never made any secret of his dislike for the Congress and openly declared that the salvation of India could not be sought in the field of politics at the present stage of her development as "there existed nothing as yet like an Indian Nation". He went on to say that the highest ranks of civil employment must, as a general rule, be held by Englishmen for the reason that "they alone possessed, being members of the ruling race, the requistie qualities essential for that task". On 11.2.1905, he said in his convocation address in the Calcutta University, "the highest ideal of truth is to a large extent a western conception. Truth took a high place in the moral codes of the West, before it had been similarly honoured in the East, where craftiness and diplomatic wile have always been held in high repute".

Bifurcation of Bengal Province: Repurcussions

The Viceroyalty of Lord Curzon marked an important stage in the development of political unrest in the country. In his time, and at his instance, the province of Bengal was birurcated in 1905, with the avowed object (in his own words) "to invest the Muhammadans of Eastern Bengal with a unity which they had not enjoyed since the days of the old Musalman Viceroys". The new province of Eastern Bengal was canvassed to be the Muslim Province with a population of 31 millions, of whom 18 millions were muslims. Its capital became the old city of Dacca, while Calcutta continued to be the capital of the Western Bengal Province.

The division of Bengal sparked off a communal agitation. On the one hand, it was enthusiastically welcomed by the muslims as would be evident from a speech at Munshiganj delivered by Nawab Salimullah of Dacca. Said he–"The partition has aroused us from inaction and directed our attention to activities and struggle for consolidation and conservation of the strength of the Muhammadans of the new province". On the other side, the partition was declared to be an "insult to the goddess Kali". The anti-partitionists composed and projected the communal song, "Bande-matram", to ignite communical tension. The agitation was spreaheaded by, among others, me wealthy lawyers of the Calculta Bar who were actuated in the matter by the apprehended loss of professional work on account of the setting up of a new High Court in the new province, away from Calcutta. As a mark of protest, the 16th of October was observed as a day of fasting; the housewives cooked no food; shops remained closed; all business was suspended and people walked barefooted.

Then in 1907-08, occurred a series of terrorist outrages in Bengal. Attempts were made to blow up the Lt. Governor's train. An english District Magistrate of Dacca was shot, but not killed. A bomb intended for Mr. Kingsford, the judge at Muzaffarpur, was thrown by mistake into a carriage in which two english ladies were driving, both

of whom were at once killed. A bomb factory was discovered in a garden house at Maniktala, a suburb of Calcutta.

Birth of the Muslim League

The congress openly identified itself with the agitation mentioned above. The gulf thereby created between the Hindus and the Muslims widened day by day and ultimately, in 1906, the All-India Muslim League was founded, marking the beginning of a permanent clevage between the two communities, which could never be abridged thereafter and the twains then never met.

Consequent to his differences with Lord Kitchaner, Lord Curzon resigned in November 1905. God knows whether he had genuinely a soft corner for the Muslims or it was mere lip-service to that community, but his advice to the muslims on his departure is significant. Said he:

> "Only by the assimilation of Western thought and culture can the Muhammedans of India hope" to recover any formation of their former sway. Adhere to your own religion, which has in it the ingredients of great nobility and of profound truth, and make it the basis of your instruction, for education without a religious basis is, though boys at school and at University are often too young to see it, like building a house without foundations. But consistently with these principles press forward till you pluck the tree of knowledge which once grew best in Eastern garden but has now shifted its habit to the West".

Repressive Legislation

In reaction to the expression of discontent in various parts of India, through acts of omission and commission, the British Government inaugurated in or about 1906, a vigorous policy of repression. Several stringent Acts were passed. The Prevention of Seditious Meetings Act 1907,

the Explosive Substances Act 1908, the Criminal Law Amendment Act 1908, all, in their turn and terms, severely curtailed the fundamental rights of the citizen viz., freedom of meeting, freedom of expression and freedom of association: The Minto-Morley Reforms, in the shape of the Indian Councils Act of 1909, failed to satisfy the Indians. The atmosphere threfore grew more and more tense and loaded. Repression had evidently failed to extinguish revolutionary spirit and crime. But the Government stuck to its guns and the repressive laws, which had hitherto been only temporary, were rather placed on a permanent basis. In 1910, came the Indian Press Act which was much more stringent and comprehensive in scope than the Act of 1908. The Seditious Meetings Act 1911, was re-enacted too. After an attempt on the life of Lord Harding, in December 1912, came the Criminal Law (Amendment) Act of 1913, which made it penal "to conspire to commit an offence *even though the conspiracy was accompanied by no overt act in pursuance of its object*". All these measures were passed in the face of strong non-official opposition in the Legislative Council. The Government, in the process, became thoroughly unpopular.

Bengal Reconsolidated

In the year 1911, their Imperial Majesties King George V and Queen Mary, held their grand Coronation Durbar at Delhi. While announcing the transfer of the capital of India from Calcutta to Delhi, the Government, in their wisdom, also announced that the bifurcated province of Bengal was re-consolidated, thereby restoring the status quo ante. The Despatch of Government of India (24.8.1911) which recommended these changes created a flutter in a section of the Indians but quite a few others felt apparently satisfied. In their optimism the latter group smarted under the belief that the changes had been brought about with a view "gradually to give the provinces a larger measure of self-government until India would consist of a number of administrations, autonomous in all provincial affairs, with the Government of India ordinarily restricting their functions to

matters of Imperial concern." Then and there, however, came the damper from none else than the Secretary of State, Lord Crews himself, who declared forthwith that the 'Despatch' meant nothing of the sort. "I see no future for India on these lines", he said, "because the experiment of extending a measure of self-government, practically free from Parliamentry control, to a race not our own, is one which cannot be tried." In fact Lord Crews, as well as his predecessor, Lord Morley, honestly believed that because the Indians did not belong to the sacred anglo-saxon race, they ought always to remain content with the position of dependents and should never aspire for anything more or higher. A monstrous affront, undoubtedly !

Muslims get a rude shake-up

It was at about this time that a change came in the attitude of the Muslims towards the Government. The Turco-Italian War (1911) caused much disquiet to them. They had expected that Great Britain would support Turkey. but in this they were sorely disappointed. The repatriation of Bengal had given them a rude shock. Ths Balkan War, which broke out in 1912, caused further estrangement as it was interpretted to be a concerted plot on the part of the Christian Powers to drive Turkey out of Europe and thus put an end to Islam as a temporal power. In 1913, accordingly, the All-India Muslim League also adopted, as one of its main objects, the attainment under the aegis of the British Crown, of a system of self government suitable to India.

Great War I_The Ignition Point

Then came the Great War I; and, with it, a change in attitudes. The Indian Politicians responded loyalty to the appeal of Lord Harding to suspend political agitation and to cooperate with the Government. All the parties readily rallied to the side of the government. However, as the war continued and it appeared that there was no prospect of its early termination, they grew impatient and took up the

thread once again and began to agitate for reforms. "Now or Never" they thought, was their chance. Sir (later Lord) S.P. Sinha and Mr. Tilak in Bomnay, and Mrs. Besant in Madras, sponsored and started Home Rule Leagues and carried on a whirlwind propaganda in their presidencies, in favour of Home Rule. Mr. Jinnah became the president of the Bombay branch of the Home Rule League, started in 1915.

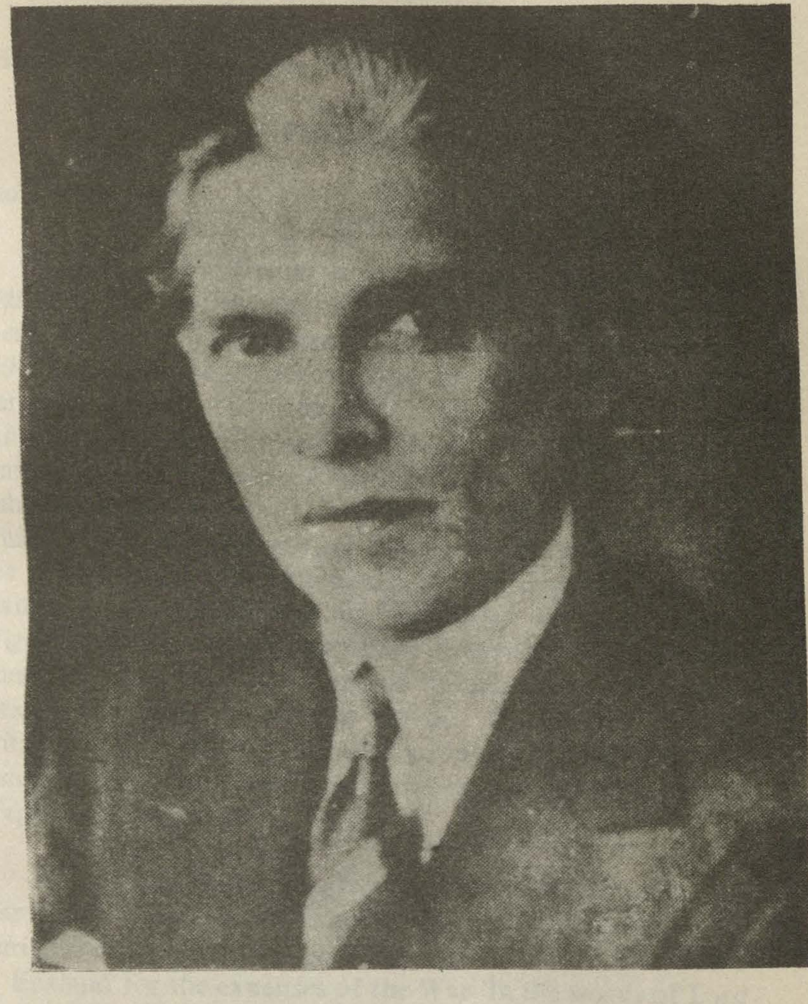
Mrs. Besant was immediately interned. But this only added to her popularity and she became, overnight, the idol of the people. She spurned the much trumpeted Montagu-Chelmsford Reforms of 1918 as "unworthy of England to offer and of India to accept." The movement became more and more popular day by day, and was carried on with great heat and fervor.

India throbbed with new ideas and was alight with a new life. As many as nineteen elected members of the Imperial Legislative Council submitted to the Government a unanimous memorandum, embodying their proposals on post-war Reforms. "What is wanted", they said, "is not merely good government or efficient administration, but Government that is acceptable to the people, because it is responsible to them. If after the termination of the War the position of India would remain just as it had been before, without any material change in it, it will undoubtedly cause bitter disappointment and great discontent in the country and the beneficient effects of participation in common danger, overcome by common efforts, will soon disappear, leaving no record behind save the painful memory of un-realised expectations."

From the beginning of the War, the Congress and the Muslim League had been working hand-in-hand. In 1915 both met at Bombay and resolved to formulate a joint Scheme of reforms and press it for acceptance by the British government. They came together at Lucknow again, the next year, and each of them passed a resolution declaring : "the

time has come when His Majesty the King Emperor should be pleased to issue a proclamation announcing that it is the aim and intention of British policy to confer self-government on India at an early date." This Scheme which was acclaimed as the "Congress-League Scheme" was, however, dubbed as "an attempt to secure self government for India at one long jump, without many intermediary stages, and far too radical to be accepted."

The ignition point had reached.



Mr. Muhammad Ali Jinnah
"In my opinion the Govt. that passes such a law (Rowlatt Act) in times of peace forfeits its right to be called a civilized government". In protest, he resigned his seat in the Council.

CHAPTER IV

FRIENDS IN NEED

India's War Effort

Perhaps never before or after, than during the Great War itself, did India demonstrate greater loyalty and attachment to the British Throne by her splendid response to the call of the Empire, in its hour of need and peril. Hatchets were buried for the moment; voice of controversy was banished; all grievances which the people had or harboured against the Government were laid aside and the country, unhesitatingly, placed her resources at the service of the Allied Cause. She did not, at that juncture, stop to bargain for favour or even for bare justice to her demands. Even Mr. Gandhi, who is supposed to have been anti-British, said "fighting as the British people are at present in a righteous cause for the good and glory of human dignity and civilization, our duty is clear: to do our best to support the British, fight with our life and property." The "Sleeping Beauty", once again, went into slumber and a wave of loyalty swept the whole country.

The "Golden Sparrow" supplied more men for the War than all the British colonies taken together. Despite its chronic poverty, she made a generous gift of £100,000,000.00 to England for the expenses of the War. In the words of Lord Harding, India allowed herself to be "bled white" in the larger interests of the Empire. About one million men were sent overseas to fight the battles of the Empire and upto the 31st of March 1919, India had incurred an expenditure of £127,800,000.00 towards the War, in addition to the sum of £21,00,000.00 which was contributed by the princes and people of India to various war funds and charities.

Considerable sums were also placed at the disposal of the Government for the purchase of horses, motors, aeroplanes, ambulance cars and other comforts for the troops.

The Punjab steals the lime light.

Just as an the ladder of the War Effort India occupied the top rung among the British colonies, the province of the Punjab occupied that rung among the various provinces of India. Speaking in the Provincial Legislative Council, on the 7th of April 1919, Sir Michael O'Dwyer, Lieut. Governor of the Punjab, recounted pridefully :

> "We started the war with 100,000 men in the Army, In 1917 I was able to tell you that in the first two and a half years of the war we had raised 124,000 combatants. In the next year we raised over 127,000 and a year ago the total was over a quarter of a million. We were then in the most critical stage of the war, and in response to His Majesty's august message and the Premier's appeal, I asked the Province to raise another 200,000 men, including 180,000 fighting men within a year. Many people thought that was an extravagent demand. Those people did not know the spirit of the Punjab. April and May 1918 were the harvest months and we advisedly did not push recruiting. But 21,000 men were enrolled.
>
> 'From June to September, the recruiting campaign was carried on everywhere with great enthusiasm, and in these four months 78000 men, or over 19,500 per month, joined the colours. In October, owing to the influenza epidemic, the number dropped to 14,426 and in November, when we were about to make a fresh effort, our enemies collapsed and hostilities came to an end and the number fell to 6,313; but in six months, from June to November, we had raised 99,000 men, or half the total promised, and in eight months (April to November) our total was 121,000 men, including

> 10,000 combatants. If the need had continued, we would have completed our quota of 200,000. As it is, we can claim to have raised about 36,000 combatants during the four years of the war, or more than half the total raised in the Indian Empire, excluding, of course, the splendid contribution from our gallant neighbours and allies in Nepal."

The Punjab supplied about 360,000 men for the war. According to the census of 1911 the population of this province was about 20 millions while the total population of India was 315 millions. The Punjab had thus supplied more than half the total number of recruits even though its population was only about 1/15th of the total population of India.

In like fashion, in the matter of War Loans, the Punjab competed successfully with the richest provinces of the country and thus,pre-eminently stole the limelight.

One need, perhaps, quote again from the same speech of Sir Michael O'Dwyer, referred to above :

> "Gentlemen, I have often been criticised for dwelling on the achievements of the Punjab, in season and out of season. But my pride in the Province is based on no parochial spirit. I have spent 15 years away from it, during which I have seen many other parts of India. I might say that nowhere did I find the same qualities as the Punjab can show. From the Prince's palace down to the peasant's hut, I found, I could meet the Punjabee, whatever his class or condition, as man to man, without suspicion or mistrust. I found him in the masses (and I refer primarily to the rural masses) loyal but not subservient, brave but not boastful, enterprising but not visionary, progressive but not pursuing false ideals or mistaking the shadow for the substance. I regard it as a great privilege to have lived and worked with such a people and to be closing my service amongst them..."

Amritsar; on the top rung

Amritsar, the second largest city of the Punjab, with its stalwarts of *Mahja* and the riches of the businessmen of the town, was equally the object of Sir Michael O'Dwyer's benedications on account of its monumental war effort. He professed to have a warm corner in his heart for this district. "My heart bleeds", he said, "to see that Amritsar occupied a secondary position in the favours of the Government." In fact in his speech at a recruiting durbar held at Qasur, he went on so far as to "solemnly declare" that he would transfer the seat of Government from Lahore to Amritsar as a reward for the great War services of the latter and as a punishment to the former for its slackness in providing recruits. On the 9th of June 1919, Sir Edward Maclegan also eulogised Amritsar, saying :

> "The City of Amritsar is one of the most peaceful cities in India and it has been known, in the Punjab, for its religious associations, its commercial activity, its municipal development and its educational institutions."

Amritsar was, indeed, a great place. Even far back in 1919, the town had all the amenities of big cities–beautiful parks and exquistely laid gardens, canals of icy cold glassy water flowing down from the nearby hills, picturesque picnic spots, splendid cinema houses, clubs and theatres, colleges (now turned into universities) and big community halls. But, unlike big cities (of which Emerson lamented : "greatest cities are greatest deserts) there was always a perceptible spirit of affinity, mutual understanding, sincerity, fellow-feeling and cordiality among its people. Almost everybody knew everybody else and they all shared each other's griefs and pleasures. The magnificient Golden Temple, the Darbar Sahib of the Sikhs, situated in the heart of the city, lent it a halo of religious sanctity. The big tank at close-by Tarn Taran and the numerous *Gurdwaras* around, were places of devoted worship which drew Sikh pilgrims,in their

thousands, from all the world over, to pay their homage to the *Gurus*. Amritsar was particularly known for the two *melas* (fairs) held on the annual festivals of *Diwali* and *Baisakhi*, each spreading out over a period of a fortnight. Feats of horsemanship, tent-pegging and other manly sports were the hallmarks of these *melas* which attracted huge crowds. It was a treat to watch the sportsmen, in their youthful exuberance, tall, slim and fiddle-fit, all muscles and no flesh, exhibiting their manly form and expertise.

Few mothers in the world brought up their sons with the dotage and devotion displayed by a jat mother of Amritsar. She was always a model of perseverance, hardwork, selfless devotion and bravery. The auther vividly recollects how a 50-years-old jat widow (who had not remarried after the muder of her husband 23 years ago, and had devoted herself to upbringing her only son, Karam Singh (then aged 24) braved a verdict of death pronounced on her youthful son, the only hope and the be-all and end-all of her life. Karam Singh had stood his trial on a murder charge. The Sessions Judge was Mr. (later, Mr. Justice) D.D. Dhawan. After hearing the stunning pronouncement, the afflicted mother and the convicted son exchanged a fleeting glance at each other's faces and silently walked out of the court room. At this moment, a stray drop swam across the big eyes of Karam Singh. Instantaneously, at the very door steps of the court room, thundered the tall graceful widow : "No more of this moisture of cowardice, *Karmey* ! Absolutely no more ! Nothing will give me greater pain, agony and shame than to see a tear drop from your eyes. You know, you too had killed a young man in a manly scuffle. This is the "sport" of the young and the brave. Keep it up manfully. I will sell away the last marla of my lands and will fight out your case upto the Privy Council. But I must count on your high spirits. Do not let me down, mind you. And mark ! if you allow one tear to roll down your cheeks I will not "forgive you" the milk that you sucked from my breasts. That would signal my instant death."

The short sermon drew tears from the eyes of the

by-standers. But the moisture instantly vanished from the eyes of Karma. He held his mother in a fond embrace; twisted up his thick moustaches and walked away in his youthful stance.

The sentence of death was, in due course, commuted into some years of rigorous imprisonment ; But not before the brave mother and parted with her entire holding to cover the expenses of litigation.

Such were the stalwart sons, brought up by their marvellous mothers, in the mighty soil of Amritsar. War, they considered but an adventurous out-door "sport", a manly game full of thrills. They sought recruitment not so much for its emoluments as for the adventure involved. And the heroic deeds they performed on the battle fields brought lots and lots of credit and applause to the Punjab and, in no small a measure, to Amritsar.

CHAPTER V

THE VOLTA FACE

Change of loyalties/mistrust sheer.

Sir Michael O'Dwyer had always been admiring the Punjab and its people in superlatives. An extract from his speech delivered on September 13, 1917 in the Imperial Legislative Council is illustrative :

> "Eloquence is a common enough quality in India; commonsense and sanity of judgment are unfortunately less common; both are essentiallly Punjab qualities. They are also pre-eminently British qualities and it is the common possession of these qualities . . . that has led, ever since the destinies of the two were united, to mutual comprehension, to mutual confidence and mutual co-operation between the British Government and the people of the Punjab . . . But perhaps the most signal proof the province (the Punjab) has given of its practical loyalty is the manner in which it has combined to quell internal disorder and repress incipient rebellion. . . There was no hesitation, no sitting on the fence, no mawkish sympathy with red-handed crime, no insincere apologies for so-called misguided youths pursuing noble ideals; no subtle distinctions between evolutionary and revolutionary patriots. The Punjabi, like the British, is perhaps lacking in that mysterious quality known as spirituality. If you were to try and explain to him what it means, he would probably shake his head and say, 'no doubt it was an excellent thing, an admirable virtue ;something like charity, often used to cover a multitude of sins' He might even go so far as to compare it in the latter respect with that

> equally vague term 'Home Rule,' which many of our politicians propound as a legitimate and constituional ideal, while many of our revolutionaries have put it forward as the goal they have in view. when attempting to subvert the King's Government by the sword, the pistol and the bomb . . . But, Sir. if the Punjabi is lacking in comprehension of the mysteries of spirituality and Home Rule, he is lacking neither in moral or physical courage, nor in a sense of duty . . . I claim that when the stability of the Empire is threatened, the Punjab, now as in the Mutiny. has set a noble example of loyalty and self-sacrifice to the rest of the Empire."

It sounds strange and out-of-the-ordinary that the people of a province who were admired so profusely for their loyalty, were declared ta be in a state of "open rebellion" almost just the next day. It is equally impossible to believe that a Province which had given its best men, not in their thousands but hundreds of thousands, to fight against the enemies of the Empire, should break out into open rebellion on the very morning of victory, when it should have expected to be rewarded for the great sacrifice of blood and money. Rebellions and Revolutions are not the work of a moment and do not burst forth on a peaceful contented people like a sleeping valcano, without warning or prenomition. The sentiments and emotions of men, and their attitude towards their rulers, are not transformed in a day. It is impossible to imagine that a loyal and contented Province could become rebellious without extreme oppression, dire frustration or grave provocation. Generally, rebellions are preceded by longer or shorter periods of political crime, from which the Punjab had been admittedly free. But whether it were the people who had shifted their loyalties or the Government which had changed its attitude, the fact remains that a great volta face had unmistakably been staged. Things were perceptibly topsy turvy. The government had all-too-suddenly, as it were, started sensing a state of rebellion; the people

too. were palpably exhibiting their disapproval of, and dissatisfaction over, the attitude of the government. There was mistrust all around. At every step serpants were suspected in the grass.

Reasons and Causes

In this anomolous situation Lt. Governor Sir Michael O'Dwyer was the most uneasy man. He had, till recently, been so profusely admiring and congratulating the people of his province for their loyalty and splendid services. How, on earth, could he reconcile his allegation that there existed a state of open rebellion. Strange explanations were therefore coined and put forward to explain away the situation which was, however, to a great extent, the creation of Sir Michael himself. The causes, real or unreal, that surfaced, or were cited, were the following :

1. *The bolshevic instigation*

It was averred that there had been a huge conspiracy to subvert the British Government and to seduce the Indian army from their allegiance and that the conspirators had been financed by Boleshevic money. The minor disorders in the other parts of the country and the "big rebellion" in the Punjab, were sought to be explained by reference to this common source, the abnormally enormous magnitude of the rising in the Punjab, in particular, being attributed to the fact that it was the home of the warriors. This theory, however, hardly impressed anybody and had immediately to be dropped for good, for want of any supportive evidence, direct or circumstantial.

2. *Instigations of the Afghan Agency*

The attempt to substitute an Afghan Agency for the Bolshevists, mentioned at No. 1 above, also failed to convince anybody, for want of any available proof, and ended in smoke

3. *The Unruly Behaviour*

The sundry acts and stray incidents of assault, arson and loot, here and there, details of which will be found narrated hereinafter, did tend to create a feeling of lawlessness, no doubt, but it was hardly discreet, necessary or lawful to deploy a bomb to kill a fly. The magnitude of the force put to action was, by all standards, beyond all proportions to the extent of the crime sought to be suppressed.

4. *The Rowlatt Act*

The outburst was, then, attributed to a conspiracy of the Congress, headed by Mr. Gandhi, intended to thwart the Rowlatt Act. This happened to be the most widely propounded, and accepted, official theory. The agitation sparked off by the passage of this Act, comprised Satyagraha (passive resistance) and hartals and was, no doubt, sponsored by the Congress. But the Satyagraha movement was never followed in the Punjab nor were any Satyagraha Sabhas formed anywhere in Amritsar. Even according to official reports "there had been no disturbance there on the proclaimed Satyagraha Day. The civil disobedience of laws was never practised in the Punjab nor did the hartals lead to any breach of peace anywhere in the province. The traffic in the streets was nowhere obstructed and no one overstepped the limits of lawful persuation nor anybody interfered with the business of anybody else who was not interested in the movement".

This theory too, therefore, hardly provided the Government with any acceptable justification for the great massacre.

An uncalled for enactment/Rowlatt Act

It will be worthwhile, however, to examine the provisions of the controversial enactment, known as the Rowlatt Act, in some detail.

Edwin Montagu, the Secretary of State, had been touring

India, even during the War, to obtain evidence for a report, later known as the Montagu-Chalinsford (Viceroy) Report, which recommended that India should enjoy far greater control than it had done so far. Montagu proposed the system known as Diarchy, wherein some functions of government were to be taken over by the Indians. "But as so often happens with governments, what they promised with one hand they took away with the other," and at about the same time that the Montagu-chelmsford Reforms were made public the text was published of what was to be generally known as the Rowlatt Act. During the War, the government had armed itself with extraordinary powers through the Defence of India Act. Having enjoyed these extraordinary powers, the Government did not wish to lose them and, in 1917, appointed an English Judge, Sir Sidney Rowlatt, to enquire into the nature and extent of supposed or presumed subversive activities in the country. He took some evidence, mostly emnating from the police, in camera and, on 30.4.1918, submitted his report which was accepted at its face value by the British Government and, later in the year, the Bills were placed before the Indian Legislative Assembly.

This Act, which was to be titled the Anarchical and Revolutionery Crimes Act 1919, was enacted with its avowed object. . "to cope with anarchical and revolutionery crime". It provided that, if and when, in the opinion of the Governor General-in-Council, there existed anarchical and revolutionery movements in the whole or any part of British India and offences under Sections 121, 121-A, 122, 123, 124, 130 and 132 I.P.C. in connection with such movements, were prevalent to such an extent that it was expedient, in the interest of public safety, to provide for speedy trial of such offences, the offenders shall be tried under the special procedure provided by this emergency measure. The accused were to be tried by special tribunals, constituted for the purpose, and not by the ordinary courts. Quite a few of the technicalities of the Criminal Procedure Code were made inapplicable; commitment proceedings were totally discarded; the findings of the special tribunals were to be final and there was to be

no appeal against the conviction. A sentence of death could not. however, be passed on an accused person in respect of whose guilt there was a difference of opinion among the members of the tribunal. In deviation to the provisions of the Evidence Act, the statement of a witness could be admitted into evidence even if such witness had not been subjected to cross-examination, if he (witness) was dead or could not be found or was incapable of giving evidence, if it was proved that such death, disappearance or incapacity had been caused in the interest of the accused. It was also provided that trial of cases may be held in camera.

Part II of the Act evisaged trials of potential offenders too and was, therefore, purely preventive in its nature and scope, calculated to prevent occurence of revolutionary or anarchical offences.

Part III of the Act enabled the Government to arrest and confine suspected persons for fifteen days and to carry out search of suspected places.

It will be seen that the provisions of the Act were *not* so drastic or abominable as to evoke serious opposition or spark off an agitation of a great magnitude. Every government is jealous of its powers and always likes to clothe itself with as much authority as possible, to freely wield the whip and to twist the tails of the errants. As to who is an errant, the discretion and authority to decide and determine is always reserved with the government. Even after India was divided in 1947, governments on both sides of the border have been promulgating various laws, even more stringent and drastic than the Rowlatt Act, with identical aims and objects.

The shoe, in fact, pinched in an extraordinary measure because the denounced enactment came at a most inopportune moment and was wholly unwarranted at the moment. How truly had Burke once observed: "the natural rights of mankind are sacred things and if any public measure is proved to affect them the objections ought to be fatal to that

measure". A former Commander-in-Chief of India, Sir O'Moore, denied the necessity of the Act, saying. . . .

"The present unrest about the Rowlatt Bill is typical of Indian mal-adminstration. There would be no need for the Bill had certain old Bills of 1818 and earlier, now brought into action, been utilised. These having until now been declared obsolete or forgotten, new measures were considered unavoidable, but it is a matter of common knowledge that the Indian Government has a mania for new legislation ignoring the amazing array of equally suitable Acts that it possesses in its legal armoury."

It was a matter of common knowledge that the Indians had previously, during the War, accepted without demur, the drastic provisions of the Defence of India Act and te Rules framed thereunder. That Act and its Rules were still in force, with a whole year left to expire. It was therefore hardly discrete or necessary, at the moment, to hurl at the people the new legislation. But, in their own wisdowm, the government, all too suddenly, detailed the English judge. And, perhaps just to justify his appointment to the job, the man submitted his report which was to be the thin edge of the wedge. Ironically, instead of Freedom came the Rowlatt Act, to stoke up the fires of hatred and resentment. There certainly was no indication, anywhere, of any serious "revoluntionary" or "anarchical" crime brewing on the political horizon. Just a few months before the passing of the Act, on the occasion of the signing of the Armistic e the King Emperor had been pleased to send the following message to the princes and people of India:

"The sturggle now so happily ended has demanded unprecedented sacrifices from us all, and in responding to the call upon her for men and resources, India has played a part worthy of her martial qualities and high traditions. She has fulfilled my faith in her single-minded devotion to my person and Empire; and she has vindicated my confidence in her loyalty"

Srinivasa Shastri's pungent burst

The Act was, therefore, resented by the Indians as a slur on their loyalty and devotion and was reckoned a thoroughly bad coin to repay what they considered a debt of gratitude. It evoked a wave of protest from all quarters. Said Srinivasa Shastri, in the Imperial Legislative Council:

"A bad law once passed is not always used against the bad. . . .When Government undertakes a repressive policy, the innocent are not safe. Men like me would not be considered innocent. Innocent then is he who forswears politics, who takes no part in the public movements of the time ; who retires into his house, mumbles his prayers, pays his taxes, and *salams* all the Government officials around. . . . Now even in War, when all humanity throbs with excitment and peril, and when nobody thinks of anything except how to conquer the enemy, even then, my Lord, there are the laws of War. . . . .When there are criminals abroad in a country, there are certain ways in which they ought to be brought to book. You ought not to lay them by the heels and punish them in ways that will shock the sense of justice; in ways, that will make the innocent feel that there is no law in the land; in ways that will make the virtuous and public-spirited work impossible. The price even for the extinction of wickedness that is demanded then is far too high"

Mr. Jinnah's resentment

Mr. Jinnah went to the length of resigning his seat in the Council, in protest. He wrote to the Viceroy:

"Neither the unanimous opinion of the non-official Indian members, nor the entire public opinion and feeling outside has met with the least respect. The Government of India and Your Excellency, however, have thought it fit to place on the Statute Book a measure, admittedly obnoxious and decidedly coercive at a time of peace, thereby substituting the executive authority for the judicial. . .

"The fundamental principles of justice have been uprooted and the constitutional rights of the people have been violated, at a time when there is no real danger to the State, by an overfearful and incompetent beaucracy, which is neither responsible to the people nor in touch with the real public opinion. And their whole plea is that powers when they are assumed will not be abused.....

"In my opinion the Government that passes or sanctions such a law in times of peace forfeits its claim to be called a civilized Government, and I still hope that the Secretary of State for India, Mr. Montagu, will advise His Majesty to signify his disallowance to this Black Act".

In the prevailing atmosphere, the Act acted as the proverbial red rag. In fact even before its birth, disapproval and resentment had been rigorously trickered off. The pangs of its birth are reflected in the government of India Resolution on the Disorders, published on April 14, 1919, to the following effect:

"When the Bill was under discussion its opponents publically stated that if it passed into law, a campaign of agitation against it on a scale hitherto unattained would be organised throughout India, and a section of them indicated that they would support that campaign by resort to what is known as passive resistance. No one cognizant of the conditions of India could have been ignorant at the time of the dangers of initiating a widespread movement of this nature. They were clearly pointed out by many public men of moderate views and the representatives of Government did not fail, during the debates on the Bill, to emphasise the serious consequences to the public peace which would follow from an agirtation such as was then threatened. The warnings were unheeded, and to the agitation which has succeeded the passing of the Act must be directly attributed the open breaches of the public peace, the defiance of authority and the criminal attacks on life and property, which have lately been witnessed in certain parts of India".

The bitter dose

The Indian members of the Imperial Legislative Council had warned the government, in good time, of the expected agitation and its possible magnitude. Disastrous consequences had been foreshadowed in unmistakable terms. But the government, as it were, appeared to have made it a prestige point and was bent upon thrusting the bitter dose down the unwilling gullets. The Viceroy himself attributed motives to the Hon'able members and called their conduct into question saying:

"Last session certain Hon.members, during the passage of the Rowlatt Bill, gave me warnings of an almost minatory character that if that Bill passed into law there would be agitation of a serious nature. I think the Hon.members will realise that no Government could deviate from a policy which it regarded as essential on account of any threat of agitation. However, there were those who thought that it was necessary to make good this threat, and as a consequence, the deplorable events occurred which are to be the subject of an enquiry".

Sir Michael O'Dwyer, who had a lover's partiality in favour of the Act, laid bare his feelings and attitude in this behalf, in his speech delivered on the 10th of April, 1919, just on the eve of the Jallianwala happenings, saying. . .

"You have seen within the last few weeks how a law passed to safe-guard the lives and property of the people against such outbursts of anarchy and revolution. . . .has, by the persistent falsehood and misrepresentation of a small but noisy class, been made to appear as a deadly weapon aimed at the people whom it is intended to protect in situations of great emergency. . . .

"I would, therefore, ask you to expose the campaign of faleshood that is being carried on in certain quarters in order to mislead the ignorant and credulous masses and the

scum of the bazaars of the towns and to incite them to crime and disorder. . . "

The Black Law of the whiteman.

Intentions on both sides were thus clear. Nothing was left to surmise or conjecture. The echoes of the agitation reached the countryside. The whole atmosphere was loaded. Feelings of disgust, contempt and hatred swept across the far-flung villages too. Without knowing much about the provisions of the Act, the illiterate villager, as well as the man in the street, denounced what he called a *Kala Qanun* (Black Law) of the whiteman.

The educated immediately recalled how in 1883, the government had been brought down to its knees through an agitation launched by the European community itself, against the Ilbert Act. They argued that the community which was now loud in execrating the Indians for agitating to remove an unjust enactment from the Statute Book went, itself, to such lengths in order to protect a privilege that they had no right to retain, and yet no punishment or repression, like the provisions of the Rowlatt Act,had ever visited upon them. This was, they said, discriminatory and unfair,to say the least.

5. *Excessive Recruitment*

The agitation against the Rowlett Act had undoubtedly a disquieting effect on the masses who were smarting under quite a few other grievances,Most outstanding of these was the discontent generated by the excessive recruitment for the army. Sir Michael admitted in his speech of April 7, 1919 that the "active attempts to obtain recruits from an ignorant and home-loving population who had not yet learnt the elementry duty of helping to defend their country, led to some serious riots and lawless outbreaks in the Multan Division and in Shahpur". The Secretary of State also admitted in his Budget Speech that "recruiting for the army

has gone on, in parts, particularly affected by these disturbances, with such zeal and enthusiasm that I think there is reason to believe many a family was left without its bread-winner or bread-winners". It was also observed tha "O'Dwyer had practically transformed the whole machinery of the government into a huge recruiting factory, assuming to himself, as it were, the role of a recruiting sergeant, tramping up and down the province, holding numerous recruiting durbars, distributing *Sanads*, conferring titles, giving *inams*, eulogizing the districts that furnished larger number of recruits and threatening those that did not, and repeatedly reciting and proclaiming the formula that there is no *Izzat* (respect) without *Khidmat* (service)". The situation is beautifully summed up by Pandit Pearey Mohan as follows:

"Each district was assigned a quota of men, and it was understood that this number had to be produced within a stated period. The Commissioners, the Deputy Commissioners, the Magistrates, the Tahsildars, the Naib Tahsildars were all so many recruiters for the Army: and the very continuance in service and promotion of *Zaildars*, *Lambardars* and Patwaris *depended on the number of recruits furnished* by them. Even the services of the police-officers were requisitioned for this purpose. The number of recruits furnished by a man was the measure of favour that he got from the Government. The result was that unscrupulous officials began to practise oppression when they failed to obtain recruits by fair methods. The police got up false cases under the security sections of the Criminal Procedure Code against the inhabitants of villages that had not furnished their assigned quota of recruits; and the magistrates threatened the accused with conviction unless they consented to be enlisted in the army. If the accused did not want to enlist in the army, he could earn his acquittal by purchasing a substitute for himself. A short time after the starting of this oppressive campaign, the recruit became an economic commodity and could be bought and sold in the open market. And the favour of Government being measured in terms of recruits, a large number of aspirants after honours and rewards made ex-

tensive transactions in this trade; and considering the squares of land that loomed in view and the coveted titles of Rai Sahibs and Khan Sahibs, this was indeed a profitable business for the wealtheir persons. They sent their agents all over the province, who obtained recruits on payment for their masters who,in their turn,passed them on to the Government in their own name. Thus by spending a sum of about eight or ten thousand rupees, these men got some squares or rectangles of land in the canal colonies or obtained titles, which are,to some,infinitely more valuable than the sordid gain of money. The natural result was that the price of recruit rose up, and in some districts approached the four figures. Some government officials also turned this new development in the art of recruitment to their own profit; and when they could get more recruits than they thought would appease the desire of their superiors, they passed on the surplus on payment,to these *reises*. Some of the subordinate officials rendered themselves so obnoxious by the immoral, indecent and oppressive methods which they employed to obtain recruits, that the people were driven to deeds of violence.

In one case, a Tahsildar was murdered by the villagers who were infuriated at his conduct which the Government admitted as almost amounting to conscription. As the result of this act, 46 men were put on their trial, of whom 4 were sentenced to be hanged and 12 to transportation for life. A large number of prisoners were also drafted into the army; and when they returned, their propensities for mischief had been whetted rather than diminished by a sojourn in foreign lands. In fact, the mania for recruits was carried to every department of the Government. The first question put to every applicant for employment in any Government office was whether any of his near relations were in the Army; and promotions of Government officials depended on the number of recruits furnished by them. Even the students who wanted to get admission in the Medical or other Government Colleges were given a precedence if any of their near relations were serving in the Army. Is it reasonable to expect that such a state of things would not lead to abuses among officials and consequent discontent amongst the people?

"These methods were adopted on such a large scale and had become so scandalous in certain districts, *e.g.*, in Gujranwala and Shahpur, that Sir Michael O'Dwyer should not have been unaware of them. It is, therefore, suspected that he must have connived at the lapses of his over-zealous subordinates in the larger interests of his Empire,in the belief that he would be able to suppress any unrest that may result,at home,by his strong methods, an exhibition of which was recently given in several districts of the Punjab."

The oppression, thus practised, did naturally breed dislike and contempt for the government. This was, undoubtedly, one of the main causes of the discord.

6. *Extortion of war funds*

The methods adopted to obtain recruits applied *mutatis mutandis* to the raising of war loans, as would be apparent from the following instructions issued by the Punjab Government to all the Deputy Commissioners:

". . .Deputy Commissioners might assist much in the campaign by estimting the contributions that might reasonably be expected from the various towns. In doing so they will derive much assistance from the local income-tax returns, especially where the assessments have recently been revised by the special establishment. Income-tax returns furnish, too, a fairly reliable index to the relative financial condition of individuals who are expected to help the loan. To judge of the adequacy of their investments in it, it would not be unreasonable to expect that on an average an assessee would be in a position to invest in the War loan from half to one-fourth of the income on which he is actually assessed. . . .

"The Deputy Commissioner should, then, by special meetings, formation of local committees of *Sahukars* and such expedients endeavour to obtain the estimated sum as a minimum contribution. Local committees of traders and others, presided over in large towns by Judicial Officers, Extra Assis-

tant Commissioners or Tahsildars, will probably be able to effect a satisfactory distribution of the loan demand . Rivalry between towns and communities might be promoted by periodical publication and comparisons of the amounts subscribed. Help might be afforded by a promise to recognise liberal subscriptions by *sanads*, by the grant of chairs, and by the gift of Special Certificates. On the other hand, it should be made clear to wealthy citizens that failure to do their duty in this matter will be taken into account in nominations to Municipal and Notified Area Committees, in appointments of honorary magistrates and in other forms of Government recognition, on the ground that such honours are reserved for those who have shown in a practical form their desire to assist the administration".

The consequent fleecing operations further aggravated things.

7. *Disgruntled Soldiery*

Having seen for themselves and studied things abroad the disbanded soldier returned home, at the end of the War, with a broader vision and experience. At least he had shed abroad much of the awe and fear of the white man, the erstwhile "*Sahib*", who had been, in previos years, looked upon as a rather super-human being. He (the soldier) had now seen, with his own eyes, in the European countries that the white race was comprised not only of the well-fed *Sahib log* of proud bearing, dressed in a super-fine suit with the crease of which one could have the proverbial clean shave, and shining shoes with the gloss and sheen of the looking glass, moving about in prestigeous cars, but also of people who lived from hand to mouth; "who dressed themselves in baggy trousers; who were physically lean and dwarfed" and were, to all intents and purposes, ordinary men and women, by no means above other human beings of flesh and blood. The soldier class, and those who listened absorbedly to the stories narrated by them, felt that the whiteman was no more a superior being and that they could very well

talk to, and rub their shoulders with, him. While there was thus, a tangible fall-off in the prestige of the white man, the confidence and courage among the Indians showed a marked tendency to swell up.

The frantic appeals for war loans emnating from the government, further, created an impression among the masses that the *Sircar* (government) had become *Divalia* (bankrupt). The demand for recruits to fight the battles of the King Emperor was understandable but, it was asked, how could the rich and great *Sircar* stoop to borrow money from its *Riaya* (subjects)? Mass feelings of this type further occasioned a palpable landslide in the honour of, and respect for, the government.

8. *Depleted Economy:*

A hungry man is often an angry man. Starved communities, like starved individuals, are easily provoked and, as Bacon said, "rebellions of the belly are the worst". Compared to 1894, the prices of food stuffs had risen five times till 1919, while wages of workers did not register any rise beyond a bare 50%. The real wages having thus touched an alarming low, people had reached the point of starvation. The salaried class and people with fixed income were particularly worse off. The area of land under cultivation had been reduced due to recruitment of young men who previously wielded the plugh and also due to the terrible mortality claimed by influenza. These economic conditions broke the backbone of the lower and middle classes of society who therefore became desperate in the manner of all hungry men and were ready to join any agitation against the government.

The recorded figures, denoting rise in prices, were brought out by the following official table of the time

Commodity	Retail price during fortnight ending 15th Dec, 1912 (For a rupee)		Retail price during fortnight ending 25th June, 1919 (For a rupee)
Wheat	12 Seers	4 Chattacks	6 Seers 9 Chattacks
Barley	15 "	13 "	8 " 3 "
Jowar	15 "	12 "	4 " 3 "
Bajra	12 "	3 "	4 " 2 "
Gram	15 "	2 "	7 " 7 "
Maize	16 "	3 "	6 " 6 "

9. *Maltreatment of Lawyers*

Sir Michael appeared to have had an inbred hatred for the educated intelligentsea. Laywers came in for particular maltreatment and delibrate humiliation at his hands.

The author of this work had been practising as an Advocate for over ten years when disturbances broke out, on the eve of Independence,in March 1947. He was standing in front of his house in Katra Sher Singh, close to the Hall Bazar, when he overheard two police constables enquiring about his address from the shopkeeper opposite, Ghulam Nabi by name. The author was at once taken back in imagination to the incident of the year 1919, which he had heard, often reiterated, from his seniors at the Bar. Soon after Martial Law was promulgated that year (1919), they said, all the lawyers of Amritsar were forcibly enrolled as SPECIAL CONSTABLES and the official duty assigned to them was to carry the *charpais* and other articles of furniture of the army personnel, stationed at the Ram Bagh, the headquarters of General Dyer, from one end of the extensive garden area to the other and, after this had been done, to reconvey and restore the same burden to its original place – a up-hill

and humiliating charge by all standards! Some very old and decrept lawyers, who could ill afford to bear this manual torture would, occasionally, break down but their tears evinced no mercy or compassion (Incidentally, the two constables who were looking out for the author had come on a different and a not-very-unpleasant errand: to convey his appointment as a magistrate: (notified at 2676/G-II/ 14.3.47)

Lawyers, as a class, were unwarrantedly considered and dubbed as the greatest sinners and were persecuted ruthlessly despite their whole hearted assistance to the government. They were arrested, paraded through the streets, ridiculed and humiliated in every town of any importance. (Details follow in the chapter on Martial Law).

Once upon a time, the anecdote goes, a small jew boy playing at the end of a pier fell into the sea and was rescued by a close-by intrepid swimmer, who dived into the deep and, at personal risk and with extraordinary effort, brought the boy out. As the exhausted rescuer was moving away, a man came running after him; tapped him heavily on the shoulder, and said, "are you the man who saved my son's life"? "Yes", answered the hereo expecting a word of thanks or appreciation. "Then", said the Hebrew indignantly, "where is his cap"?

So it happened with the lawyers at Amritsar. Mir Maqbool Mehmood and S. Gurdial Singh Salaria, both barristers, tried at great personal risk, to disperse the mob at the Bridge. Several other prominent barristers and pleaders also helped the authorities in difficult situations. They, however, were all arrested and tried for waging war against the King. The lawyers at Amritsar were enrolled as special constables and detailed to loathsome duties mentioned earlier above.

The same thing happend at Lahore, Gujrat, Lyallpur, Kasur, Sheikhupura and Gujranwala. At Kasur, Mr. Ghulam Mohyuddin advocate, who had saved the life of the Sherbournes family (detailed later) was arrested along with

others of his profession, on the ridiculous plea that he had so much influence with the mob that the Sherbournes were saved at his interecession. It was his influence that came to his undoing. "*Ai shokhi-e-taba tu bar man bala shudi*".

Lawyers are known, the world over, for their capacity to lead. They are Societys' most popular people. Their humiliation won for them the sympathies of the masses and, thus, further fomented unrest.

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10. *The Whip hand*

Apart from, and perhaps above everything else, the person, the policy and the performance of the man, that was Sir Michael O'Dwyer, had a lot to do with the unrest, the discontent and the unruly conditions. "By his overweaning pride and brutal disregard of the principle on which the British Commonwealth was based, he (Sir Michael) did more to shake the foundations of the British rule in India than all the anarchists and revolutionaries, taken together, can ever be able to do." He believed in strong methods for throttling political agitation, for suppressing public criticism and for keeping the people down under the heel. According to him the only object of the government was maintenance of law and order by striking terror in the minds of the people. He believed that the subjects should have no right to think and act for themselves nor to make any suggestions to the government for the better administration of the country. He relied not on the contentment, love and willing allegiance of the people, but on sheer force to strengthen the foundations of British administration in India. Like the engineer who stems the unwanted current at its source, he endeavoured to bring under his control, the Press and the Platform, both, to isolate the Province from other parts of the country. Public meetings were discouraged by brow-beating and threatening the speakers and the conveners. He created a special branch of the Criminal Investigation Department, called the Press Branch, whose business it was to keep newspaper criticism within safe limits.

To the proposal to create an Executive Council for the Punjab, he said in the Punjab Legislative Council, on the 14th of April 1914 :

"...The people of this Province have from the start been habituated to regard the Chief Commissioner or the Lieutenant Governor as the sole head of, and in the last degree, responsible for, the administration of the Province. The Province has progressed and prospered under that system in a manner which can stand comparison with any other Province or Presidency, whether with an Executive Council or not...

"If it could be shown that the present administration of the Province suffers from certain defects, and that the addition of an Executive Council would remove those defects, then the matter might come within practical politics. In the middle of the 18th century, when political controversies and religious discussions were almost as rife as they are in India today, a poet and philosopher summed up the situation in the following words :

'For forms of government, let fools contest,
Whate'er is best administered is best,
For modes of faith, let graceless zealots fight,
He can't be wrong whose life is in the right'"

To India's demand for self-government he had said in the Imperial Legislative Council, on September 13, 1917:

".....In these days when we are in danger of being deafened by political harangues and of being blinded by the shower of political manifestoes, it is well occasionally to return to mother earth to clear up our minds of shams and illusions, and to ask ourselves what will all this noise and talk do for the man on the soil, the man behind the plough, the man whose life is a long drawn question between a crop and a crop."

In his Reform Memorandum of January 10, 1919, he had observed :

'Do anything to weaken or shake the authority of the Government and you will be appalled to find how small is the margin of safety–how thin the partition that divides order from disorder."

And, he refferred to the Home Rule as:

"The small section of advanced politicians in the Punjab, hitherto quiescent, were encouraged to assert themselves and come into line with other provinces, but there is no repudiation on their part of the Home Rule propaganda as preached by Mrs. Besant and Mr. Tilak, because its methods and objects were then little known in the Punjab, which is however familiar enough with the revolutionary aspect of Home Rule as preached and practised by the now defunct *Ghadr* party."

In 1917 Mrs. Besant was dominating the Congress, being its president. To the much awaited Montagu-Chelmsford Reforms she said in obvious dissatisfaction, "unworthy of England to offer and of India to accept." Hasrat Mohani, the grand old man, said about the Reforms:

"Full of decept through and through.
Are the reforms of Montague".

Mrs. Besant was interned. On her release O'Dwyer was most annoyed and he showed his resentment by saying :

"We now seem to be drifting into what is known as "Birrelism" in Ireland, truckling to the extremists, encouraging the idea that we are going to hand over the administration to them "

In the aforesaid Memorandum, O'Dwyer belittled the demand for constitutional reforms, saying :

"If it is clear that the demand emnates not from the mass of the people, whose interests are at stake, but from a small and not quite disinterested minority, naturally enough eager for power and place, we must, if we are faithful to our trust, place the interests of the silent masses before the *clamour* of the politicians, however *troublesome* and insistent. Here I may quote Burke's warning: 'because half a dozen grass-hoppers under a fern make the field ring with their importunate cries, while thousands of great cattle, who repose beneath the shadow of the British oak, chew their cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field."

At a meeting held on the 4th of May, 1915, O'Dwyer said pointedly:

"It was said of a Roman Emperor that while he fiddled, Rome was burning. Shall it be said of us that while we argued about Reforms our very liberties were ascending to heaven in the fires of Louvain"?

The utterances, referred to above, clearly give out the "man" behind them. Undoubtedly O'Dwyer *meant* what he said, and *said* what he *meant*. And, whatever he thought and said, he did with great fervor and flair.

Michael O Dwyer has been lebelled at various times, by various persons, as a "learned fool", a "wise fool" or an "errant fool". He was all three—wise, learned and errant ; but, undoubtedly, a fool too. This, because he always tended to overdo things. It cannot perhaps be said, otherwise, that what he felt and did was far wrong. Any other man in his position of responsibility and power would, most surely, have towed the very lines as did O'Dwyer. But, necessarily, the action would have been tampered with caution, care and love, or at least, a show of love. It is a matter of common knowledge that the CID with its Press Branch, introduced by O'Dwyer, has subsisted all through the years and that

stringent and repressive laws have always held the field in one form or the other; civil rights have always been trampled; resentments and disapprovals of government policies have always been raising their heads one way or the other, disturbances have always been curbed down with show or use of force; lāthi charges, tear gas, rubber bullets, firing, interments and arrests have, so often, marred the tranquility of life. But the tussle is always between the "fool" or the "errant' on one side , and the "wise" and the "tolerant" on the other. Where and when the "fool" gets the upper hand the result is bound to be a 'Jallianwala'.

What oozes out, ultimately, from all that has been said above is that it was a matter *overdone*. Perhaps a wiser administrator would not have considered it necessary to meddle with the course of events and, by this alone, he would have tided over the crisis smoothly and without much of a fuss.

CHAPTER VI:

DERELICTION OR DESIGN ?

Muslims and non-muslims burg the hatchet:

It has been observed in the earlier pages that high prices. low wages, influenza, and the repressive and unsympathetic policies of Sir Michael O'Dwyer, had spread a wave of discontentment in the Punjab. Quite a few were incensed at the oppression practised for obtaining recruits and extracting war funds. The Muslims were visibly agitated over the future of Khilafat and fate of Turkey. Hinuds, Muslims and Sikhs, thus, had all made a common grievance out of the feeling that the Punjab had been treated as a *persona-non-grata,* the 'Cindrella' of the British Empire. In this state of public mind. all classes of society clubbed themselves together and merged their religious differences in to a common and larger cause. At the moment, the Muslims and the Sikhs, in particular, began to think and act alike. Guru Nanak, the founder of the Sikh religion, was projected as having been, like the muslims themselves, a great monotheist; having even visited the Mecca and Medina of the Muslims to perform Haj. The following opening lines of his *Japji* (morning prayer) were depicted to be completely synonymous, in substance and sentiments, with the *Sura Ikhlas* of the Quran:

"There is one God
He is the supreme truth,
He, the Creator,
Is without fear and without hate,
He, the Omnipresent,
Pervades the universe.
He is not born,
Nor does He die to be born again.
Before Time itself

There was truth.
When time began to run its course
He was the truth
Even now, He is the truth.
Evermore shall truth prevail".

Indeed they were so. The *Sura Ikhlas*, it will be seen, recites: "In the name of Allah, the Benefient, the Merciful. Say, He is Allah the one and only God, the Eternal, the absolute. He begot none, nor was he begotten; and there is none comparable to Him.

A Unique Ram Naumi:

The hindu festival of *Ram Naumi* was celebrated in Amritsar on April 9, 1919 by the hindus, the muslims and the sikhs with equal fervor, devotion and dedication. *Sabeels* of soft drinks were set up by members of all three communities. Muslims and non-muslims drank from the same tumbler, an unprecedented and unique event. Differences and prejudices were banished and burried for the moment.

A proclamation published by a rebel newspaper, *Danda Akhbar*, was illustrative of the prevailing mass mentality. It read:

"O hindu, musalman and sikh brothers, enlist atonce in the *Danda Army* and fight with bravery against the english monkeys. God will grant you victory! Conquer the English monkeys with bravery. Leave off dealing with englishmen. Close offices and workshops. Fight on. This is the command of Mahatma Gandhi".

All this, it appears, unnerved Sir Michel O'Dwyer. He made no secret of his intentions when the came out with the following utterance:

"As a result of the prompt measures taken in previous years to quell revolutionary and anarchical movements, the province has continued to be free from political crime. . . .

I must make it clear that if conditions should recur threatening the public peace, Government will not delay to use all the means at its disposal to repress disorder. We have lately had public meetings at Lahore and Amrisar– I am not speaking of yesterday's meetings of which I have not yet had the details–where some of the speakers used wild and inflammatory language distorting the acts and misrepresenting the policy of the Government. We have had similar violent language in some organs of the Indian Press. In fact a section of agitators who kept very much in the background during the War, when loyal citizens were helping to fight the common enemy, are now coming forward to show their valour by attacking Government and its agents and endeavouring to intimidate and coerce quiet, law abiding people by their propagaganda of socalled passive resistence I have said publicly that the Punjab repudiate what is or was known as 'passive loyalty.' It will repudiate even more emphatically that veiled disloyalty which while hiding itself under the cloak of passive resistance leads on its dupes (as we have seen at Delhi) into open defiance of authority and the penalties which such definance entails.

"The Government of this province is, and will remain, determined that public order which was maintaned so successfully during the time of war shall not be distrubed in time of peace. Action has, therefore, been taken in the last few days under the Defence of India Act against certain individuals in Lahore and Amritsar who, whatever their motive, were endeavouring to arouse public feeling against the Government. The British Government which has crushed foreign foes and quelled internal rebellion could afford to *despise* these agitators, but it has the duty of protecting the young and ignorant, whom they may incite to mischief and crime, while themselves standing aside. I, therefore, take this opportunity of warning all who are connected with political movements in the province, that they will be held responsible for the proper conduct of meetings which they organise, for the language used at, and the consequences that follow such meetings. . . .It may not be out of place to

repeat Aesop's story of the enemy trumpeter who begged the soldier of the victorious army to spare him on the ground that he was a non-combatant The soldier refused on the ground that without the trumpeter's summons the enemy's soldiers would not have advanced. The moral is clear. . . . . The recent *pucrile* demonstrations against the Rowlatt Act in both these cities (Lahore and Amritsar) would therefore be *ludicrous*, if they did not indicate how easily ignorant and credulous people–not one in thousand of whom knows anything of the measure–can be mis-led. . . . ."

Sir Michael Un-nerved :

Sir Michel O'Dwyer was not such an errant fool as to have so openly insultated and threatened the people and their leaders. "He was aware of the fact that the Province was justly indignant at the oppressive methods of raising recruits and money for the War; he knew of thousands of old decrept parents whose sons had been thrust into the army by force and fraud ; he was conscious of the fact that hundreds of villages had been ruthlessly depleted of their manhood and were peopled mostly by women and children; he was also aware of thousands of other families which had been impoverished in their attempt to let their bread-winner escape from the clutches of the recruiting agent by bribing him or buying other recruits for substitution and, above all, he realised that by his persistent insults and continued antagonism towards their desires and aspirations he had alienated the sympathies of the educated classes. It is only on this reasoning that one can satisfactorily explain why Sir Michel O'Dwyer dreaded any agitator and was alarmed to see the masses unite."

Amritsar was, doubtlessly, the hottest bed of turmoil and unrest. The vials of O'Dwyer's wrath were, therefore, poured forth on the leaders of that town. On March 29, 1919 Dr. Satyapal, was interned in Amritsar and injuncted against making any public speech or issuing any statement to the Press. Three days later, security was demanded from two

the Deputy Commissioner was watching, with satisfaction, the peaceful progress of the procession, he these in his pocket theorder of deportation against both these leaders. "They had been received on the evening of April 9." without any demand from the Deputy Commissioner who was sanguine that, like the *hartal* of April 6, the *Ram Naumi* procession would also pose no threat to public peace. As a precautionary measure, however, he had placed pickets on the routes to the Civil Lines area of the town, which was connected with the main town by three overhead bridges on the railway line which segregated it from the Civil Lines.

It is alleged that on the morning of April 10, the Deputy Commissioner sent for the two leaders to his residence "on some pretext" and served upon them the orders of their deportation, arrested and instantly whisked them out of the town of Amritsar in motor cars. They had been despatched to Dharamsala. The news spread like wild fire and proved to be the proverbial red rag. Instantaneously, people collected in their thousands in the streets of Amritsar and decided to go, in a body, to the Deputy Commissioner to entreat him for the release of the deported leaders.

At the Hall Gate Bridge :

The crowd started for the residence of the D. C. at about noon, not with any mischievous motives but just to pray for a personal interview and to request the Head of the District to ask the government, on their behalf. to recall the deportation orders. They were in a mourning. rather than fighting, mood as would be evident from the fact that they were absolutely unarmed; most of them were bare-headed, some even bare-footed, and did not molest any of the several Europeans they met on their way. The crowd. however, was stopped on the Hall Gate Bridge by the pickets posted there. People insisted to proceed on their peaceful errand. They were, however, fired upon and repulsed, but not before a number of them were killed and wounded. After a short while the crowd made a second attempt to cross over

newspapers. the "New Herald" of Lahore and the "Vakil" of Amritsar. Sayyed Habib, editor of another daily, "Syasat" of Lahore. was interned in his village. On the 4th of April Dr. Saifuddin Kitchlew, Pandit Kotumal, Lala Dina Nath and Swami Anubhawa Nand, all of Amritsar, were served with orders not to deliver any public speech. This show of power, however, did not quell the unrest. It rather poured oil. But, all the same, as it was admitted by the government in its Report on the Disturbances, there was no disorder or collision with the police. The *Ram Naumi* procession proceeded peacefully and it was reported that as it passed the Deputy Commissioner Miles Irving, who was watching the procession from the roof of a Bank building in Hall Bazar people shouted "King Emperor *ki jai* and that the band parties in the procession struck up "God save the King" The Punjab Government Report further records that "there was no hostility, or even discourtesy, exhibited to the Europeans who moved freely among the crowd, just as they had done during the earlier *hartal* on the previous Sunday (6.4.19)

Doctors : Satyapal and Kitchlew

Dr. Satyapal had, during the war, held the King's Commission in the Indian Medical Service, Dr. Saifuddin Kitchlew was a barrister, so deeply associated with the Congress that he did not migrate to Pakistan, when it came into existence in 1947, and preferred to stay on in India till his death. He was more homely and popular among the non-muslims than among the Muslims. A few years before Independence, he contested the elections of the District Bar Association, Amritsar, and could not secure any vote from the muslim members of the Association, except from a very few close relatives of his own.

These two doctors were the principal organizers of the
These two doctors were the principal organizers of the *Ram Naumi* procession. The government had, natrally, a watchful eye on the activities of both of them. While

to the Civil Lines and was fired upon again. This time, there were 20 to 30 casualties. The sight of blood infuriated the excitable members of the crowd and, forthwith, they started on their mad career of destruction.

It was admitted by the Government that the acts of arson and murder *followed* and did not *precede* the repulse of the crowd at the Hall Gate Bridge. It was also averred, at various levels, that if the crowd had been allowed to proceed, the D.C. might have talked away the uneasy feelings by a few sympathetic and consoling words and a soothing behaviour. As Ruskin said :

"You can talk a mob into anything; its feelings may be – usually are– on the whole, generous and right ; but it has no foundation for them, no hold of them ; you may tease or tickle it into any, at your pleasure ; it thinks by infection, for the most part, catching an opinion like a cold, and there is nothing so little that it will not roar itself wild about, when the fit is on ; nothing so great but it will forget in an hour, when the fit is past.'

Riot, Murder, Arson.

A wild roar of anger issued from the incensed mob. The emotionals suggested VENGEANCE, which sounded just as fair to the madened crowd. Sticks and stones were their only armament. Chaos and lawlessness ensued. Hell was let loose. Railway guard, Robinson, was caught and brutally murdered by the mob at the Railway goods yard close to the Pedestrian Bridge. The National Bank was attacked and burnt down by an unruly mob. Its Manager, Stewart, and Asstt. Manager Scot, were crually murdered. Cloth and other goods lying in the godown of the bank were looted. The two Europeans were beaten to death by sticks and then their dead bodies were burnt,along with the furniture of the bank. The close-by Chartered Bank was likewise

set on fire. The not-too-far Alliance Bank met the same fate and its Manager, Mr. Thompson, was murdered. The Martial Law Commission described the incident in the following words :

> "After the mob had sacked the National Bank, an attack was made on the Alliance Bank, and the Manager, Mr. Thompson, was cruelly murdered—his assailants even going back a second time, on a rumour that he was still breathing, and brutally assaulting him again with clubs— and was flurg from an upper balcony into the street where the body was burnt under a pile of Bank furniture drenched in kerosine oil."

The Religious Book Society's depot and hall were burnt down, as also the Town Hall and the Sub-post office attached to it. The sub-post offices at the Golden Temple, Majith Mandi and Dhab Basti Ram were looted. In one case, the post master himself, it is alleged, took advantage of the riots and "made away with the cash".

Miss Sherwood incident; a shameful assault..

Miss Sherwood, Superintendent of the Mission School was assaulted rather shamefully as described by the Commission in the following words:

> " . . . . . About 1 o'clock on the 10th of April, when she was bicycling from one of her schools to another, she encountered a mob which raised cries of 'kill her, she is English'. She wheeled round and tried to escape, but took a wrong turning and had to retrace her steps. She reached a lane where she was well-known, and thought she would be safe; but the mob overtook her and she was also attacked from the front. Being hit on the head with sticks, she fell down but got up and ran a little way where whe was again felled, being struck with sticks even when she was on the ground. Again she got up and tried to enter a house, but the door was slammed in her face. Falling from exhaustion, she again

struggled up, but everything seemed to get dark, and she thought she had become blind".

The Commission further recorded that the attacking mob had left Miss Sherwood for dead and that, afterwards, some persons picked her up and took her to a temporary refuge and that she was then conveyed out of the city in the evening. She had been working in the city for many years and was universally respected. The assault on this lady was certainly the most brutal and cowardly act of the crowd and it has been admitted on all hands that "General Dyer had a just cause of anger against her assailants". How great of the noble lady, indeed, that when she was offered an amount of Rs. 50000/- down cash (imagine its value in 1919) as compensation for her sufferings, she declined to accept it, not in any manner of protest, but in perfect good humour.

Mrs. Easden's incident:

Lady Doctor, Mrs. Easdon, suffered in identical fahion. Seeing the mob collect outside the Municpal Zenana Hospital, she had the hospital locked and hid herself at the other end of the buildings. Her tale of woe is to be found in the Commission's report as follows:

"Shortly afterwards, Mrs. Benjamin (Sub-Assistant Surgeon at the Hospital), whom she (Mrs. Easdon) had sent downstairs to get some milk, rushed back with the appalling news that, assisted by *Musammat* Mathri (the *dai)*, the mob had succeeded in getting into the hospital and that her life was in imminent danger. Mrs. Easdon had just had time to hide herself a few steps down an adjoining stair-case when the mob, which had failed to find her downstairs, rushed up into Mrs. Benjamin's room and demanded to know where she was Mrs. Benjamin, terrified though she was, swore that Mrs. Easdon had left the hospital but the mob was not satisfied and in the endeavour to find Mrs. Easdon broke open and searched all the cup-boards and boxes in Mrs.

Benjamin's quarters. Mrs. Easdon who was within a few feet of them could hear all that occurred.

"When the mob got back to the entrance of hospital. *Musammat* Mathri informed them that Mrs Easdon was still inside . The search for her began again; but by that time she had hidden herself in a latrine on the roof. Before the mob could find her the news arrived of the burning of the National Bank and, in the hope of loot, the would-be murderers dispersed.

"Hussain Bakhsh *chaprasi,* who had behaved loyally and bravely throughout, then got out of the hospital and returned with a *burka* and a pair of Indian *paijamas.* Disguised in these, and having blackened her face with ink, Mrs Easdon escaped by a back way. . . . . . ."

Running with the hare to hunt with the hound

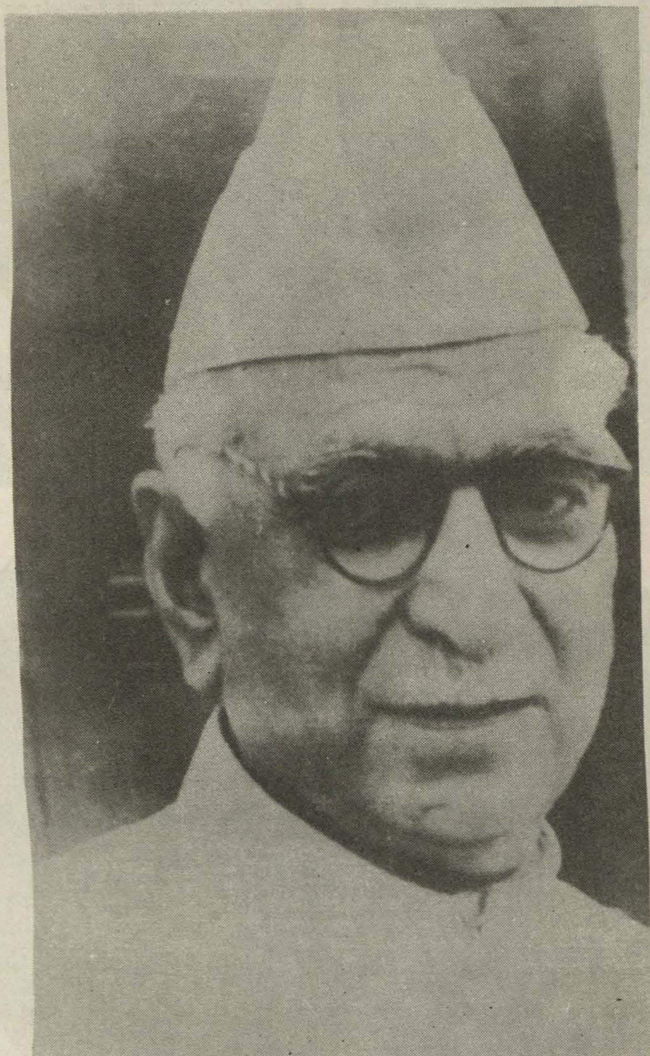
During the afternoon, the Indian Christian Church was burnt down. Similar crime was attempted at the Church Mission Society Girls School Sergeant Rowlands of the Military Works was murdered near the Rigo Bridge.

The entire riotous drama was completed in about three hours. In this rather brief period. five Europeans had been brutally done to death, one lady was assaulted in a shameful manner;another had escaped by chance; and property worth lacs of rupees had been destroyed and looted.

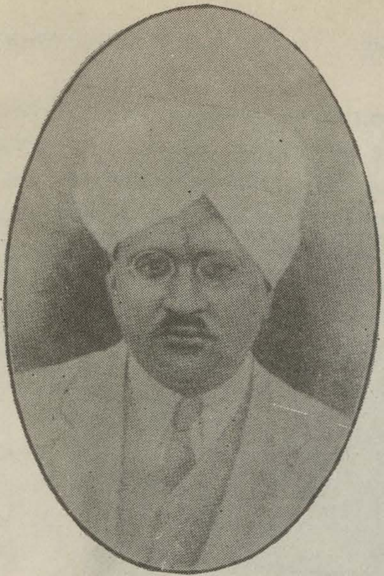
And then ensued absolute quiet. The fury of the mob had spent itself. Order had been restored not by any action of the police or army but by an automatic return of public mind to good sense and mormalcy. People now waited, in abject fear, for the consequences of their crime for which, they realized now, was hardly much of a justification.

It has to be said, however, that in all that had happened the authorities appeared to have. delibrately or through inadvertance or by design, given a long rope to the rioters

and had inexplicably remained smug, detached and silent spectators of the disorderly scenes. When, earlier on, they had asserted themselves at the Hall Gate Bridge, they had successfully prevented the mob from crossing over to the Civil Lines. The Mission Girls School had been saved by the mere approach of police Inspector, Marshall, with his police force. But while the banks were being burnt and looted, a hundred armed constables, a D.S.P., an Inspector and three Sub-Inspectors of Police were kept idle in the Kotwali, at a stone throw distance from the scene of arson and bloodshed. The Town Hall, in a part of which is housed the Kotwali, was gutted under the very nose of this sizeable police force, which evinced no interest in the proceedings. Was it dereliction or design? Was it running with the hare to, hunt with the hound later? Inexplicably, all this remains anybody's guess. The mischief could well have been nipped in the bud, undoubtedly, if somebody in authority had only risen up to the occasion in right earnest.



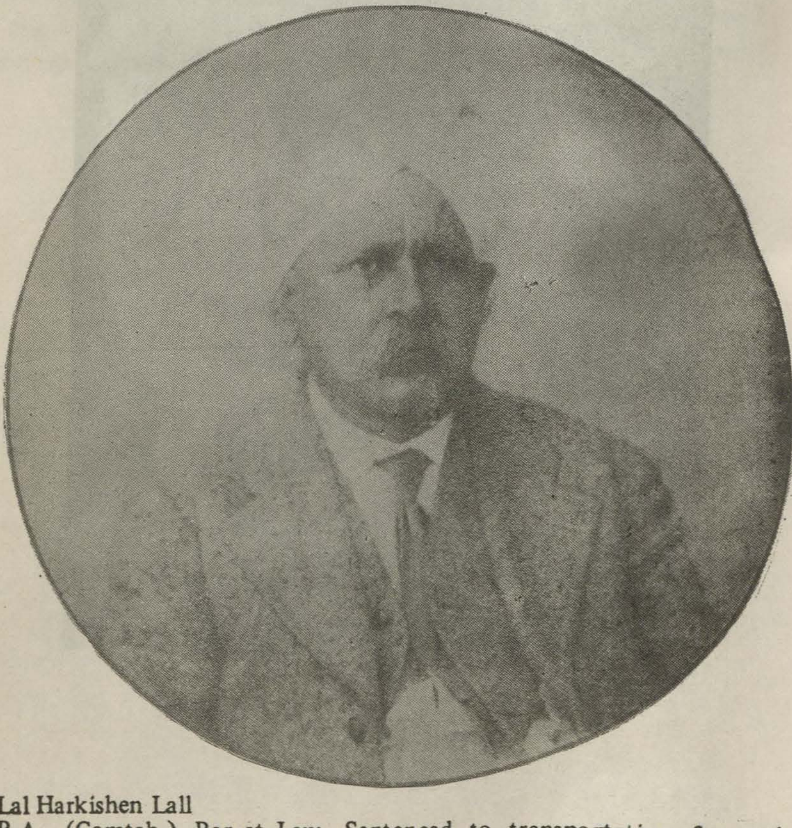
Dr. Saif-ud-Din Kitchlew



Dr. Satyapal, 1919



Dr. Kitchlew, in 1919



Lal Harkishen Lall
B.A. (Comtab.) Bar-at-Law. Sentenced to transportation for and forfeiture of property



The National Bank, after the rioting



National Bank, Amritsar

CHAPTER VII

VENGEANCE AVENGED

Imposition of Martial Law

VENGEANCE, had been the catchword with the rioters. They had wreaked it in a terrible way. The ball was now in the opposite court. The European officers at Anritsar were irate at the murder of the Europeans and the plunder of the European banks. VENGENANCE was now *their* catachword. They wanted to make the retribution so swift and so terrible that for once, it was suggested and seriously considered by the local officials, that the town of Amritsar should be bombarded and machine-gunned. This idea had, however, to be dropped willy-nilly for the apprehension that the Golden Temple might be hit and desecrated. Other methods and weapons were, therefore, deployed.

The Commissioner Lahore Division, Mr. Kitchen, rushed down to Amritsar in the afternoon of the 10th of April and told Mr. Mcdonald, the Senior military officer on the spot, that "he was to consider himself Incharge of the military situation and take whatever steps he thought necessary to re-establish civil control". On the 11th of April, the water and electric supplies of the Indian quarters of the town were cut off. Early in the morning, that day, when the persons who had died during the firing of the 10th of April, had to be disposed of, the D.C. issued the following order:

"The troops have orders to restore order in Amritsar and to use all force necessary. No gathering of persons nor processions of any sort will be allowed *All gatherings will be fired on. R*espectable persons should keep indoors until order is restored. Dead may be carried out for burial or burning by parties of not more than eight at intervals of not less than 15

minutes by the Gheemandi, Lohgar, Khazana and Chatiwind Gates".

Miles Irving, D.C. 11.4.19."

These orders were, later, modified at the request of some prominent citizens, into the following form:

"People will be allowed to bury their dead provided—

"(1) Only Sultanwind and Chatiwind Gates used.
"(2) All over by 2 p.m.
"(3) At 2 p.m , warning by bugle.
"(4) After 15 minutes fire.
"(5) No lathis".

"Miles Irving. 11.4.19".

And now, as Tagore puts it "The wood cutter's axe begged for its handle from the tree and the tree gave it" Military reinforcement arrived, during the day, from Jullunder and, immediately, the troops were marched into the city . In the evening the General Officer Commanding, Jullundar Brigade, Brig-General Dyer, the "Prince of Denmark" in the "Hamlet" that was to be staged, reached Amritsar and the administration of the town was handed over to him by the Deputy Commissioner, Miles Irving. The General admitted before the Hunter Enquiry Committee, later, that he accepted the invitation of the D.C. to step into his shoes, without caring to enquire into the condition of the town. Whether or not the D.C. could impose this defacto Martial law remains a constitutional and legal point for moot, preponderance of authority being against the vires of the step . On the factual side, it was clear that normalcy had returned and there was no emergency whatsoever calling for Martial Law.

General Dyer immediately marched through the town with his troops and arrested about a dozen suspects. There was no opposition or resentment even at this, rather uncalled for, show of force. What followed makes a nauseating and ugly story, rendered uglier still on account of its *modus operandi*.

The popular version was that the plan to bombard the town having fizzled out, the authorities, bent as they were, upon wreaking vengeance, conspired to collect as many people as possible in one place and then to fire upon them. The *baisakhi* festival was already on and people from far and wide had collected in their thousands at Amritsar. But they were scattered all around the city and its suburbs and had to be concentrated and trapped together to receive a mass punishment. Jallianwala Bagh was chosen, therefore, to be an excellent forum for the ghastly tragedy. This Bagh stood enclosed by walls and buildings all around, with one narrow entrance and a few still narrower openings which could hardly admit, in or out, one or two men at a time. It was to be an ideal trap, tailor-made for the requirements.

Colvin puts it "–This gift of fortune, this unhoped for defiance, this concentration of the rebels in an open space –it gave him (Dyer) such an opportunity as he could not have devised. Nothing separated the guilty from the innocent; it placed them where he would have wished them to be– within reach of his sword. The enemy had committed such another mistake as had prompted Cromwell to exclaim at Dunbar. "the Lord hath delivered them into my hands".

Hans Raj, the villain:

The man to act as a decoy in the execution of the "Scheme" was one Hans Raj, a notorious boy of 23 who had matriculated just in 1911 and, though young in years, was a seasoned scoundrel, with extremely bad and shady antecedents. He had served the North Western Railway as a ticket examiner for a short period but was dismissed for embezzling

railway money. He then took up private service with Harnam Singh, Municipal Commissioner, but was again dismissed for embezzlement and misconduct. He behaved none the better in the Union Club of Amritsar and met the same fate . He was shunted out from quite a few other assignments in similar fashion. He then attempted to secure a job in the police department but was only put on a waiting list and, as a preliminary, as it were, was allowed to act as a secret agent of the C.I.D. He was thus a rudderless youth of extremely dubious character, with no ostensible means of livelihood. He was, however, extraordinarily shrewed, smart, active and pushing, knowing full well the saying that politics was the last resort of a scoundral of his mettle. He therefore, had a plunge into this field in search of fresh pastures and, in those troubled days, he met with instantaneous success.

In March/April 1919 he came to be an outstanding social and political figure and was always to be seen among the sponsors of every political meeting. He spent most of his time at the houses of prominent political leaders, posing as a devoted worker in the political movement of the time. He gradualy wormed his way into the confidence of the top political leaders of the town and was even elected the joint Secretary of the Satygaraha Sabha, which he had himself formed on April 8, 1919. During the fortnight, preceding the riots, he was conspicuously present at the houses of one or the other of the political leaders, copying out resolutions, notices, minutes, etc. In particular, he was always to be found at the heels of Dr. Satyapal and Dr. Kitchlew, as their trusted confidant. Significantly, as Pandit Pearey Mohan records, he accompanied Dr. Kitchlew to the house of the D.C. on the morning of April 10, and after the deportation of the two leaders, the D.C. handed over to him the letters of the deportees addressed to their relatives and, as directed, he took back all these letters after the addressees had read them. He was, little doubt, a secret spy of the police and was to be the villain of the piece, in all that followed.

It was this man, Hans Raj, who arranged, or was deplo-

yed to arrange, the fateful meeting at Jallianwala Bagh on April 13, 1919. By false pretences he induced thousands of unsuspecting persons to assemble there. He dissuaded them, more than once, from leaving the place before the final phase and thus virtually thrust them into the jaws of death. During the firing he had hid himself under the platform, designed and set up for the purpose by himself. And at the end, he was spirited away to Mesopotamia, before Lord Hunter's Enquiry Committee commenced its proceedings at Lahore. Ultimately, he turned an approver . All these facts, support the inescapable conclusion that he had been deployed as a decoy in the performance of the horrible tragedy.

Rival Proclamations.

Hans Raj had announced at a public meeting held at *Dhaab Khatikan* on the evening of April 12, that on the following afternoon, a meeting would be held at Jallianwala Bagh under the presidentship of Lala Kanhia Lal Vakil, a veteran and respected lawyer of Amritsar, whose name had been used, without his knowledge or permission, to attract a large gathering. He never turned up. In the morning, General Dyer along with the D.C. the tehsildar and some police officers and a larger body of troops again marched through a portion of the town and, at intervals, the following proclamation was read out in vernacular:

"1. It is hereby notified that no inhabitant of Amritsar is permitted to go out of the city in his own or in a hired conveyance or on foot without obtaining a pass from one of the under-mentioned officers:-

(1) The Deputy Commissioner of Amritsar
(2) Mr J. F. Rehill, Superintendent of Police, Amritsar.
(3) Mr. Beckett, Assistant Commissioner, Amritsar.
(Here follow names of 6 more officials).

"2. No person residing in the city is permitted to leave his house after 8 p.m Any person found in the street after 8 p.m. is *liable to be shot.*

"3. No *procession* of any kind is permitted to parade the city or any part of the city or outside of it at any time. Any such procession, or gathering of 4 men, will be looked upon and treated as an unlawful assembly and dispersed by force of arms, *if necessary*.

The proclamation was read out only in a small portion of the town and was heard by a very few people as the very sight of the formidable procession of General Dyer scared away the inhabitants of the town. Few cared to stay on and to listen. There is a counter version from the Government that people scoffed at the proclamation.But that seems to be rather unnatural. The announcement was, besides, extremely vague and sketchy. Significantly, the meeting announced by Hans Raj, the preceding evening, had been proclaimed throughout the City by the beat of an empty kerosene tin or canister; no specific prohibition against that meeting was anonounced. The proclamation of General Dyer, therefore, was a bare formality and a futile exercise in technicality. It was stated before Lord Hunter's Enquiry Committee that as it was getting hot the general returned to his headquarters at the Ram Bagh after about two hours. In this time he could not have possibly covered more than an insignificant portion of the vast city of 150,000 residents, that Amritsar was at that time.

At the Bagh

Hans Raj arrived early at the Jallianwala Bagh to make the scanty arrangements for the meeting which consisted of just putting up a wooden platform in the centre of the open space. This was the most important part of the ceremony as he was to hide himself beneath this platform to keep himself out of harm's way during the shower of the bullets, which he knew, or expected, were to rain at the people in about a couple of hours.

The big *baiskhi* fair was closed early at 2-P.M. that day, for no ostensible reasons. People had gathered from

distant places and were engaged in their merriments, having a jolly good time in their leisure. They had precious little to do, and therefore, unwittingly, they flocked to the Jallianwala Bagh, more for the fun of the proclaimed function, than for any political reasons. About 35000 people were estimated to have come together in the Bagh. They included children of tender ag who were playing, as usual, in the open place or who had been taken along by their unsuspecting relations. They were unarmed and, as General Dyer admitted before the Enquiry Committee, "a large number out of them might have been ignorant of his proclamation".

On to the Kill

At 12-15 P.M. General Dyer received definite information that the Jallianwala Bagh meeting was going to be a grand success, as it had been advertised in the city without any interference or dissent. At about 4-P.M. Mr. Rehill, the S.P., went to the General and informed him that the contemplated meeting was an accomplished faet, and was definitely coming about. *"My plans were complete then"*, said General Dyer before the Enquiry Committee, "and I marched off towards the city soon after". He proceeded for the harvest of blood at a walking pace and arrived at the Bagh with 40 gurkhas, armed with *Kukris* (knives), 25 Sikhs and 25 gurkhas armed with rifles. He had also two armoured cars with machine guns, which however, could not be carried through the small narrow lane leading to the mouth of the Bagh. At about 5-p.m. the General reached the spot for the 'Kill' and immediately took positions. A little earlier, some aeroplanes had hovered over the Bagh, as it were, for the Racee.

At that time, Pundit Pearey Mohan tells us, on sighting the General and his "army", people rose to leave the site, but Hans Raj, who was in possession of the meeting, kept them down by telling them not to be afraid as nobody would fire on a peaceful meeting. Even after the first round of fire he told the running people to stay on as "the shots were blank"

The hail of bullets

When Dyer arrived, one Durga Dass, the seventh speaker of the evening,was addressing the crowd. Those having preceded him were Rai Ram Singh , Dar Singh, Abdul Majid, Gopi Nath, Hans Raj and Gurbax Rai. Subsequent happenings can best be described in the words of General Dyer himself, in his examination before Lord Hunter's Enquiry Committee:

Lord Hunter:– I think you entered by the narrow entrance that leads into the Jallianwala Bagh?

*General:–*Yes.

Lord Hunter:– You had left your motor cars behind?

General:– Yes

Lord Hunter:– DId you have the Gurkhas who were armed with kukris or they were left at the back?

General:– They had come into the Bagh.

Lord Hunter:– Then you had 40 Gurkhas and two columns of 25 men each, armed with rifles?

General:– Yes,

Lord Hunter:– You said you deployed 25 soldiers to the right and 25 to the left, *i e.*, on the high ground on the north side of the rectangular space?

General:– Yes.

Lord Hunter:– That is a very convenient piece of land

General :– Very.

Lord Hunter:– There are very few entrances and exits?
General: Yes. I think one wide, and there might have

Lord Hunter:– There are very few entrances and exits?

General: Yes. I think one wide, and there might have been 2 or 3 small exits.....

Lord Hunter:– When you got into the Bagh, what did you do?

General:– I opened fire.

Lord Hunter:– At once?

General:– Immediately. I had thought about the matter and don't imagine it took me more than 30 seconds to make up my mind as to what my duty was.

Lord Hunter:– As regards the crowd, what was it doing?

General:– Well, they were holding a meeting. There was a man in the centre of the place on something raised. His arms were moving about. He was evidently addressing.

Lord Hunter:– So far as you knew was there anything occuring except this man addressing?

General:– No, I could not see anything beyond that.

Lord Hunter:– Before you despersed the crowd, had the crowd taken any action at all?

General:– No Sir, They had run away, a few of them

Lord Hunter:– Martial Law had not been proclaimed. Before you took that step, which was a serious step, did you not consider as to the propriety of consulting the Deputy Commissioner who was the civil authority responsible for the order of the city?

General:– There was not any Deputy Commissioner to consult at the time. I did not think it *wise* to ask anybody further. . . .

Lord Hunter:– In firing, was it your object to disperse

General:– No Sir, I was going to fire until they dispersed.

Lord Hunter:– Did the crowd at once start to disperse as soon as you fired?

General:– Immediately.

Lord Hunter:– Did you continue firing?

General:– Yes,

Lard Hunter:– After the crowd indicated it was going to disperse, why did you not stop?

General:– I thought it my duty to go on until it dispersed. If I fired a little, I should be wrong in firing at all.

Lord Hunter:– For what length of time did the firing go on?

General:– It might have been 10 minutes, it might have been less. I think it was probably less from the number of rounds that were fired.

Lord Hunter:– So far as you could see, had the crowd sticks in their hands?

General :– I could not say that they all had; I presume that a number had sticks. . . . .

Lord Hunter:– What reason had you to suppose that if you had ordered the assembly to leave the Bagh, they would not have done so without the necessity of your firing and continual firing for any length of time?

General:– Yes, *I think it quite possible that I could have dispersed them perhaps even without firing.*

Lord Hunter.–Why did you not have recourse to that?

General.–They would have all come back and laughed at me and I should have made what I considered a fool of myself.

Lord Hunter.–The crowd was very dense?

General.–Very dense.

Lord Hunter.–It was unlikely that a man shooting into the crowd would miss?

General.–No except in certain circumstances. As they were running, a certain number of men were hit . . . In the centre of the square the crowd was very dense. There as a men directed his fire, he should not miss.

Lord Hunter.–As regards the removal of the wounded, were you in a position to render any aid?

General.–No Sir, not there. I should have given aid afterwards, if they asked for it. It was then not my duty to render aid. It was a medical question.

Lord Hunter.–Next day, you issued a proclamation with reference to the burrying of the dead in these terms:– "The inhabitants may burn or bury their dead as they please. There must be no demonstrations of any kind."–That was the order?

General.–Yes Sir.

Justice Rankin.–You thought it necessary to take action on the analogy of a state of war?

General.–Quite so. I looked upon these people who had rebelled as enemies of the Crown.

Justice Rankin.–With reference to the proclamation that you took round prohibiting meetings, etc., what I am putting to you is that at this time the population of Amritsar presumably did not know much about martial law?

General.–No.

Justice Rankin.–They were entitled to, (were they not?) to some sort of definite warning from you to the effect that there had been no proclamation of martial law and that *de facto* martial law existed?

General.–I do not know whether I said this. I know I issued a proclamation, and I think everybody knew that

martial law had taken the place of civil law to all intents and purposes, that I was in command and the military law was in force.

Justice Rankin.—You thought that going round with your troops and beating the drum would bring it home to them?

General.—I thought a number of people would know that I had taken over the law, that it had been handed over to me and that military law was in force.

Justice Rankin.—On the march (to the Bagh) you came to the conclusion that if there was really a meeting the right thing was to open fire straightaway?

General.—Yes, I had made up my mind. *I was only wondering when the actual time came I would fire or not.*

Justice Rankin.—You commenced firing the moment you got your men in position?

General.—Yes.

Justice Rankin.—As a matter of fact, you continued firing until ammunition was running short?

General.—That is right.

Justice Rankin.—I also gather that the crowd was making for some of the entrances.

General.—Yes.

Justice Rankin.—I gather from your statement that from time to time you checked your fire and directed it upon places where the crowd was thickest?

General.—Yes, that is so.

Justice Rankin.–And that for the reasons you explained, not because they were not going fast but because you had made up your mind to punish them for having assembled?

General.–It is quite right.

Sir C. L. Setalvad.–When you arrived there (the Bagh) you were not able to take the armoured cars in because the passage was too narrow?

General.–Yes.

Sir C. L. Setalvad.–Supposing the passage was sufficient to allow the armoured cars to go in, would you have opened fire with the machine-guns?

General.–I think the probability is, yes.

Sir C. L. Setalvad.–You did not open fire by the machineguns by accident because they could not be got in?

*General.–Yes ; If t*hey could be got in the probability would be that I would open fire with the machine-guns straight.

Sir C. L. Setalvad.–Your idea was, as I put it to you, to strike terror ?

General.–Call it what you like, I was going to punish them.

Sir C. L. Setalvad.–Producing sufficient moral effect not only on those persons but more specially throughout the Punjab–that was your view ?

General.–I wanted to reduce the number of rebels.

Sir C. L. Setalvad.–You thought it would be a right

thing in order to save the British Raj –That is what you thought ?

*General.–Y*es. I was going to reduce the *morale of the enemy*. If they were going to fight me, they were rebels, and I was going to shoot them.

Sir C. L. Setalvad.–Did it occur to you that you were really doing great disservice by driving discontent ?

General.–No, I thought it was my duty to do it at the same time .... and any man, any reasonable being with a sense of justice would see that I was doing a merciful act, and that they ought to be thankful to me for doing it.

Sir C. L. Setalvad.–But did this aspect of the matter strike you at all ?

General.–Never, *I thought it would do a jolly lot of good to the people.*

Sir C. L. Setalvad.–After firing, did you take any measure for the relief of the wounded ?

General –Do you mean immediately after ?

Sir. C. L. Setalvad.–Yes

General.–No, certaintly not. It was not my duty. *It was not my job.* The hospitals were open. They could go there but they did not because they thought they would be arrested.

Pt. J. Narain.–On the night of the 18th, you went inside the city to see if your curfew order was obeyed or not ?

General.–That is so.

Pt. J. Narain.–And you found that your order was obeyed ?

General.–That is quite correct.

Pt. J. Narain.–And you intended that that order of yours should be obeyed ?

General.–If I give an order, I intended that it would be obeyed.

In his own report on the incident Dyer wrote. .

"We cannot be very brave unless we be possessed of a greater fear. The crowd was so dense that if a determined rush had been made at any time, arms or no arms, my small force must instantly have been over-powered and consequently I was very careful of not giving the mob a chance of organizing. I sometimes ceased fire and redirected my fire where the crowd was collecting more thickly . My duty and my military instinct told me to fire. My conscience was also clear on the point. I fired and continued to fire until the crowd dispersed and I consider this the least amount of firing which would produce the necessary moral andwide spread effect it was my duty to produce. It was no longer a question of merely dispersing the crowd; but one of producing a sufficient moral effect, from a military point of view; not only on those who were present but more specially throughout the Punjab".

It will be seen that some of the people detached themselves and sprinted towards the distant, on either flank, and thus the crowds converged in their frantic effort to get away, jostling, clambering, elbowing and trampling over each other. "Mistakenly imagining that such sections of the crowd were getting ready to rush him", writes the auther of *"Six Minutes to sunset"*, "Dyerdirected the fire of the troops straight at them". The result was horror. Men screamed and went down, to be trampled by those coming after. Some were hit again

and again. Men would go down wounded, to find themselves buried beneath a dozen others. Hundreds tried to scale the walls; some almost reached the top to be pulled down by those fighting to come up behind them. They had all been caught beneath the hail of bullets.

The following extract from the same book is extremely illustrative of the state of things. . . .

"The story of Amritsar is the story of men, Indian and British; they did the acting, the re-acting, the killing and the dying, and later on the arguing and assessing. Only one woman has given her view, and her name is Ratan Devi. Soon after 4 p.m., her husband left the house saying he was going to the Bagh, and later she heard the shooting. Immediately, she ran across and began searching for her husband, to find him just before it was dark. He was dead. As she knelt by him two boys passed, the sons of a neighbour, Lal Sundar Das, and she asked them to bring a *charpoy*, which they promised to do. Meanwhile she knelt by the body of her husband. It was dark and the stars were coming out. All around her she could hear the wounded moaning and calling, and see the figures moving about searching. The boys did not come back so she stayed on crying. Occasionally people would come up to her, mentioning the name of a son or friend and asking her if she had seen them. The ground beneath her husband was soaked with blood and at half-past eight she asked a Sikh if he would help her move him to a dry place. He agreed, and as she put it, 'we carried the body to a dry place and laid it down on wooden blocks'. At 10 p.m. she walked out of the Bagh with the idea of begging help of 'some of the students of the *Thakurdawara*. But she hadn't got far when a man called to her from a window asking her where she was going so late and reminding her of the curfew. Desperately she asked him for help, but he declined saying he was tending another man. She goes an: 'Then I started towards the Katra and another man asked me the same question. I made the same appeal to him and he gave me the same answer'. Further on she found an old man seated on the pavement smoking and with someone sleeping by his side. She begged them to help her, but they replied: 'It's gone ten o'clock. We don't want to be shot down'.

So she went back to the Bagh again and sat by her dead husband. Nearby, a water buffalo was moaning piteously and trying to rise to its feet. By now the dogs and the jackals were moving about, tearing the flesh off the corpses; and soon there was the beating of wings as the great vultures came flapping down in the darkness to compete with them. The whole scene was macabre; had the horrific quality of a nightmare. Ratan Devi picked up a bamboo stick to protect her husband. She said:

'I saw three men writhing in great pain, and a boy about twelve years old, in agony, entreated me not to leave the place. I told him I could not go anywhere, leaving the dead body of my husband. I asked him whether he needed a wrap–if he was feeling cold I would spread it over him. He asked for water but water could not be procured in that place. . . .I heard the clock striking at regular intervals of one hour. At two o'clock a Jat, who was lying entangled in a wall, asked me to go to raise his leg. I went and took hold of his clothes all drenched in blood and raised him up. . . .I passed the whole night there. It is impossible for me to describe what I felt. Heaps of dead bodies lay there, some on their backs and some with their faces upturned. A number of them were poor innocent children. I shall never forget the sight. I was all alone all night in that horrible jungle. Nothing but the barking of dogs and braying of donkeys was audible. Amongst hundreds of corpses I spent my night crying and watching. . . What I experienced that night is known only to me and to God'.

A remorseless butchery

The remorseless pride, the inhuman relish and the callous impudance with which General Dyer recounted the story of the savage butchery at the Bagh, aggravates his crime The defiant cynicism with which he described the details of his diabolical crime is clear proof of the fact that the massacre was not a thoughtless act of an over-zealous official, but the outcome of a delibrate desire to teach the inhabitants

of Amritsar a terrible lesson on what they had done to the Europeans.

In all one thousand six hundred and fifty rounds were fired and, according to the Generals' own computation, three or four persons could have been killed or wounded by each bullet. which was admittedly directed towards those points where the crowd was the thickest. According to official estimate at least 500 persons were killed and 1500 wounded. Non-official inquiry estimated 1000 killed and 3000 wounded.

After exhausting the ammunition, the General left the Bagh with his "triumphant army", in obvious satisfaction, as would be evident from his own statement reproduced above :

"Shadam az zindagi-e-khesh kih kare kardam"

Vengeance unslaked

Shylock would not allow to call in a surgeon to bind up the wounds which he was going to inflict on Antonio. General Dyer acted in like, perhaps much worse, manner. He had had his pound of flesh alright. Binding the wounds, he had himself inflicted, or attending the dead, he had himself shot down, were acts not to be found in his book of morality.

As if all he had done was not sufficient, the Genral went out at 9.00 P.M. in the night to see and satisfy himself that in obedience to his curfew order, everybody was inside his house and that nobody was attending to the dead and the dying, heaped up in the Bagh and that nobody was out of doors to close their fading eyes or to tie up their gapping mouths. The only people out of doors, that night, were those lying in the Bagh– some one, here or there, raising a wounded limb to extricate himself from the heap of the dead and then giving out a moan or a muffled cry to signal his death.

Human ferosity could go no further. And it emnated from a man who records (pridefully, paradoxically and shamelessly) that he was so *tender* of heart that he dispised hunting of animals on account of the element of crueltv involved in that sport.

It was now all quiet on all fronts. But Amritsar had perhaps not yet been properly reprimanded to feed fat the grudge and to quench the thirst for retribution. Another dose of repression, and a larger one, was considered necessary and, consequently, on April 15, 1919 Martial Law was imposed in the district of Amritsar which remained clamped till the 9th of June. It was continued, as it were, for the fun of it, because according to Dyer, "it did not do any harm and was purely inocuous. Said he, before the Enquiry Committee :

Lord Hunter:– I see in your report, you say that the city assumed normal conditions (after the evening of the 18th April)?

General :– Yes Sir. There was absolutely no crime.

Lord Hunter:– If that is so, was it necessary that martial law should be proclaimed on the 15th.

General:– It was; martial law had been in existence before it was proclaimed. As they were getting better, I relaxed the conditions.

Lord Hunter:– Martial Law had *de facto* been in existence from your arrival?

General:– Absolutely, Sir, It had the same effect.

Sir C. L. Setalvad:– "After the 18th the city was the pattern of law and order,"–that applies to a period subsequent to the disturbances?

General:– Yes.

Sir C. L. Setalvad:– Can you tell us what the need of continuing martial law was over the period it was in fact continued?

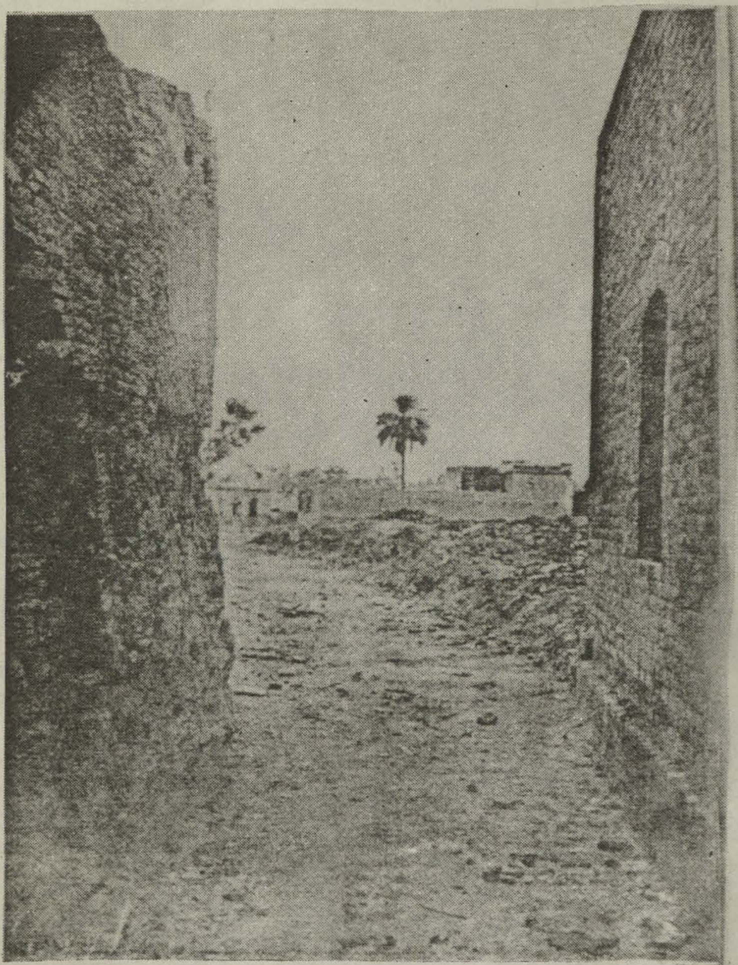
General:– No harm would be done. It was very justly administered, and if I overlooked in any way to take it off when it was unnecessary it was not my job. When they told me it was to be off, it was off.

Sir C. L. Setalvad:– It was continued because no harm was done and it was justly administered?

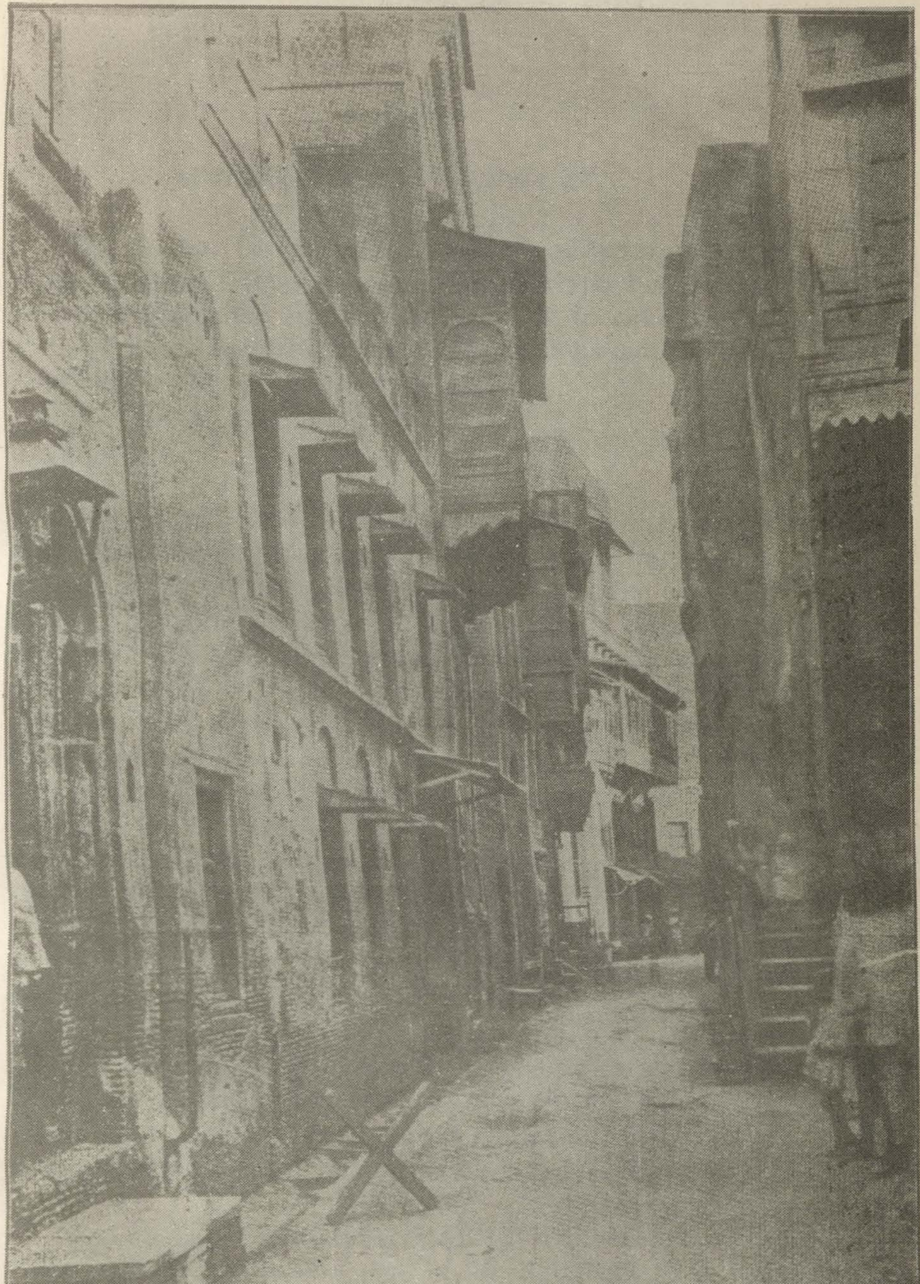
General:– Yes.



Flogging under Martial Law



The narrow exit from the begh



The Crawling Street, Amritsar

CHAPTER VIII

ADDING INSULT TO INJURY

The Martial Law ushered in a reign of terror,an era of horrors and sufferings, where indignities and humiliations were indiscriminately hurled right and left, to slake the fury of the British Lion which was foaming at its mouth. Some of such atrocities are enumerated below :

1. Flogging ·

Perhaps the most sickening was the punishment of flogging in public. The victim was stripped bare of his clothes, in public gaze, and was tied to a wooden triangular frame. Then a burly man came running from a distance and dealt the blow with all his force. Shrieks of agony emnated from the wretched victim who would start bleeding on the second or third stripe and, very often, become unconscious. He was revived by sprinkling water on his face so that the remaining stripes were not wasted on a person who was not conscious of its terrible impact. The required number of strokes having been administered, the victim was taken down the triangle and was dragged back to the jail or, if he had already, completed his term, left at the spot to be carried away by his people. The doctors, out of fear, did not, in most cases, attend to his wounds and ailments.

Flogging was administered for trivial offences like failing to salute a European to the latter's satisfaction, appearing in a public street during prohibited hours. selling milk or vegetables on a higher price than fixed etc.

Generl Dyer fully subscribed to the benefits of the imposition of this punishment, in his statement before the Enquiry Committee, thus :

Justice Rankin.—You said that whipping is the ordinary punishment under martial law?

General.—Yes, under martial law.

Justice Rankin.— *I gather that was* adopted in Amritsar?

General.—Yes.

Justice Rankin.—What is the authority for saying that because martial law was institured in the city the ordinary punishment for minor offences is the sentence of whipping?

General.—It is the custom, I presume.

Justice Rankin.—In the Indian Army whipping continues as a recognised punishment?

General.—It has practically disappeared. Martial law wants speedy punishment and that is why whipping came in under martial law.

Justice Rankin.—What else can be said for it as a punishment for the civilian who has broken a Martial Law Proclamation or committed a minor offence, except that it is a speedier punishment?

General.—I think that is about the greatest advantage. You have not to have a large number of officers and courts. A Provost Marshal is appointed, he gives the order and all is over.

Justice Rankin.—On the other hand, there is this disadvantage that it is a humilating punishment?

General.—Yes, it is humiliating.

Justice Rankin.—You do not believe that it was inflicted in fact upon people of respectable classes.

General –I do not think I have said that.

Justice Rankin.–As far as you are concerned, there ought to be no discrimination?

General.–If they are guilty under martial law, they ought to be punished.

Justice Rankin.–Under martial law there were a great many proclamations issued every other day. It might easily be that a respectable person would commit an offence against these proclamations?

General.–They should not do things which would bring them under martial law.

Flogging was, almost invariably, administered in public. At a public exhibition of flogging at Kasur, Captain Devoton summoned the prostitutes of the town to witness the ghastly sight. On another occasion, the lawyers of Amritsar were summoned to visit the flogging of two persons at Ram Bagh.

Col Frank Johnson sarcastically considered flogging as the "kindliest method of punishment" and preferred it to imprisonment because, according to him, "the jail is an extraordinarily comfortable place"

2. *Crawling*

Eight persons were tried in the Miss Sherwood-assault-case, by a Commission presided over by Mr. Justice Lesle Jones and all but one were sentenced to death. The eighth, a boy, was on account of his tender age, sentenced to transportation for life. But through the mass punishment that followed, the entire population stood damned and convicted. The street known as *Kucha Kaurianwala Khu,* is about 150 yards in length and is one of the most densely populated areas of Amritsar. It was somewhere in this lane that Miss

Sherwood was assaulted. The punishment imposed on its residents was singularly humiliating and novel. People could not walk in or out of the whole length of the street but had to creep and crawl on their bellies. Over and above this, General Dyer issued the following orders, as stated by him in his statement before the Enquiry Committee :

> "As far as I remember, I saw that this street must be blocked at both ends: that no Indian must be allowed to go through it and that if he did go through, he must go through it on all fours. That "All fours", by some means, which I cannot explain, was interpretted into crawling. My order only said, "on all fours".

What a fine distinction, indeed! – the same apparently, as exists between half-a-dozen and six.

These ignoble orders remained in force till April 25, 1919 and pickets of British soldiers remained posted at both ends of the street from 6 A.M. to 8 P.M. to see throughout that the orders were implemented strictly. People had to crawl like worms or reptiles all these days. There were no exceptions. Even one blind man had to go through the ordeal. Old and young, rich and poor, fat and lean had to suffer this humiliation. If per chance anybody happened to lift his knees or back or raised himself "on all fours", he was struck down to the ground by the rifle butts of the soldiers and made to continue the crawl The scavengers, obviously, could not crawl alongwith their brooms and filth baskets and therefore stopped scavanging. The houses thus remained uncleaned throughout and the whole area stinked unbearably. The sick could neither crawl out for medical aid nor could the doctor crawl in for them. The sufferings, apart from the attending humiliation, can only be imagined.

3. *Campaign against the student community*

The Education Commissioner in his report on Indian Education for 1917-18 had acknowledged the useful work

of the student community in the following words :

> "Punjab colleges and schools also invested six lacs in the war loans and suscribed a lac and a half for objects connected with the war. In addition, they obtained, by their efforts, recruits and other subscriptions".

These services were, however, soon forgotten because a few students absented from their lectures and joined the *hartal*. Thousands of students were awarded heavy punishments which included expulsion from the University, rustication. heavy fines and securities for good behaviour. Even the Principal of the Dayal Singh College, Lahore was sentenced to 3 months imprisonment and a fine of Rs.350/- because an objectionable poem was said to have been exhibited on some part of the college buildings and the staff had not been able to discover its author who was.however, subsequently found to have been none other than an agent of the police. About 500 students and professors of the Sanatan Dharam College were arrested and interned in the Fort, because a martial law notice exhibited on the outer wall of the college was found torn and disfigured. Col. Johnson thus described the incident before Lord Hunter's Enquiry Committee :

Sir C. L. Stevad.–The notice stuck on the outer walls of this college was torn down by some one ?

Col. Johnson.–That was the information laid before me, not by the police, but by somebody.

Q.–Is it true that all the students of the hostel of the college were arrested ?

A.–I ordered that every male found on the premises shall be arrested.

Q.–How many were arrested ?

A.–Five hundred.

Q.–Five hundred students were arrested for this notice being damaged ?

A.–And the professrs too.

Q.–All of them so arrested were marched to the Fort which is three miles away from the College ?

A.–Quite.

Q.–And during this march, they were ordered to carry their beddings on their shoulders or on their heads ?

A.–If they wanted to carry their beddings, they could.

Q.–On a Lahore summer day ?

A.–It was a May day.

Q.–It was very hot in Lahore?

A.–Yes.

Q.–All these 500 students and professors were marched a distance or three miles ?

A.–Quite.

Q.–And they were kept under orders in the fort ?

A.–Yes, that is so.

Q.–How long were they kept there?

A.–I think one day. I beg your pardon, two days.

Q.–Your frame of mind, then, Colonel, was as you indicated in your report, that you were waiting for an oppor-

tunity to bring home to them the power of Martial Law?

A.–That is so.

Q.–You were longing for such an opportunity?

A.–Only in the interests of the people themselves.

Q.–I do not suggest that it was not in their interest. It may or may not be. But you were longing for an opportunity to show the might of Martial Law ?

A.–Quite.

Q.–You got that opportunity?

A.–And I took it.

Q.–And you took it and marched these 500 students to the Fort in the hot sun.

A.–That is so.

Q.–And you still maintian, that was a proper exercise of your authority?

A –Absolutely. I will do it again to-morrow, if circumstances require.

While Col. Johnson was having a busy time with the Lahore students, Col. Macrae of Kasur did not lag behind. He whipped six school boys in public to inspire awe of authority among the students community. Mr. Marsden S.D.O. Kasur, admitted before the Enquiry Committee that "there was no particular object in lashing these innocent boys. Several times in the day, the boys were made to salute the Union Jack and repeat the prescrided solgan– "Sir, we have committed no crime, nor shall we do anything wrong in future. I repent, I repent, I repent".

4. Wanton Arrests and Indignities

At least ten thousand persons were arrested in Amritsar on frivolous and flimsy grounds and were lodged in a temporary shed in the Gobindgarh Fort, as the Jails were brimful. The more the respectable and educated the victim the more of indignities were hurled upon him. He was handcuffed and paraded in the public streets and made the object of vindictive ridicule by misguided officials. It was alleged that the prisoners who were kept in the Fort were made to run and skip in their chains to provide fun for the European women, who were staying there under orders of the Officer Commanding.

Apart from such wanton indignities and humiliations, extremely indecent and sub-human tortures were inflicted upon the suspected or arrested people to extract confessions. "Cases have been brought to light in which responsible police officials drove sticks into the vaginas and anus of persons to make them confess. In one case urine was forced into the mouth of a man, when all other means of compelling him to make a false statement had failed". The following passage in the official report is further elucidating:

"On this date (18th April) the flying column visited Narwar and Jallo. Local information asserted that the persons, who had burnt Wagha Station came mainly from the former village, and as the village headmen and others refused to produce any evidence as to the person culpable, the officer in charge of the column ordered three headmen and four others to be beaten by a cavalry *sowar*. The zaildar, two headmen and five others were subsequently arrested . The column then returned to Lahore"

5. Bribery and Extortion

While the normal law was abrogated and the Martial Law stalked around, the police had a free hand to arrest and prosecute anybody. The corrupt officials made the most of this boon which, they considered, was the opportunity of

their lives. They made hay and freely fleeced every body right and left.

6. *Fake Trials*

Four Commissions, invested with powers of a General Court Martial, under the Indian Army Act, were appointed to try persons under the Martial Law. Proceedings were held in camera and were not allowed to be reported. Trials were summary. In all 114 cases were dealt with by the Commission, involving 852 persons, of whom 821 were convicted; 108 sentenced to death and forfeiture of property, 265 to transportation for life with forfeiture of property. The trials were more or less mere mock proceedings which started with the presumption that the accused persons were guilty, much in derogation to the known principles of jurisprudence. Defence evidence was mostly shut out or ridiculed, disbelieved and discredited, as would appear from the following observations in the famous Lahore Leader's case:

"Mr. Shafi and the *rais* class generally are, no doubt, prominent professionally or socially and a number of them are, of course, members of the Legislative Councils. It does not, however, follow that they are persons of influence in Lahore. On the contrary, there is ample evidence of a convincing kind that the people of the city regard them as time-servers and title-hunters, and dislike them accordingly. It is clear, too, that other politicians look upon them as men who can be led though they cannot lead. Thus in his speech of the 4th of February, as reported in the *Tribune* of the 7th, a passage which provoked loud and prolonged applause, Gokal Chand did not hesitate to tell even Mr. Shafi and Sir Zulfikar Ali Khan that if they supported the Rowhatt Bills they would be regarded as enemies of their country and India would know the reason why. We do not propose to discuss Mr. Shafi's reasons for voting against the Bill, but we should not be surprised, if threats of this kind were not wholly without the effect intended, and it may well be that such orders to toe the line had something to say to the

complete unanimity on which Mr. Shafi dilated in his speech in Council".

In the Gujranwala Leader's case Jagan Nath accused pleaded alibi and interrogatories were issued to verify from Kathiawar State Records, his presence there on the date of the involving incident. But the court did not bother to wait for the reply to the interrogatories and the man was convicted and sentenced in advance. A marriage party comprising 30 persons was arrested, while the marriage ceremony was being performed, and was court martialled in Lahore, for constituting an "unlawful assemlby". They were summarily convicted and sentenced to fine and whipping. the bridegroom and the priest included.

Additionally, summary Courts-Martial were also set up in large numbers, with powers to award 2 years imprisonment or Rs. 1000/- fine or 30 stripes. These courts tried 1437 men, convicting 1179 for extremely minor offences.

It has been the proud boast of British Justice that every accused person is presumed to be honest unless his guilt is established beyond a shadow of doubt. He is afforded every facility to prove his innocence. How rightly and pridefully Viscount Reading, Chief Justice of England, had said during the trial of Roger Casement:

"There are some persons who, perhaps a little thoughtlessly, are inclined to rebel against the notion that a member of the English Bar, or members of it, should be found to defend a prisoner on a charge of treason against the British State. I need not tell you I am sure, gentlemen, that if any one has those thoughts in his mind he has but a poor conception of the high obligation and responsibility of the Bar of England. It is the proud privilege of the Bar of England that it is ready to come into Court and to defend a person accused, however grave the charge may be. In this case, speaking for my learned brothers and myself, we are indebted to counsel for the defence for the assistance they have given us in the

trial of this case; and I have no doubt you must feel equally indebted. It is a great benefit in the trial of a case, more particuarly of this importance, that you should feel as we feel, that everything possible that could be urged on behalf of the defence has been said in this case after much thought, much study, much deliberation........"

But in India, at the moment, things had changed. The Judges were prejudiced, witnesses were terror stricken, police was corrupt and the accused were deprived of adequate legal aid. Lawyers inside the Province were themselves in hourly peril of arrest and they generally avoided appearance for fear of being charged with assisting people in waging war against the Crown. Attempts to engage counsel from outside were thwarted by express orders. A large number of prominent lawyers had been arrested at Lyallpur and lawyers from other districts were prohibited from practising in Layallpur. A Lahore lawyer was actually arrested and convicted for appearing in a Lyallpur court in ignorance of the prohibition.

Undisputedly, the prideful taunt of Captain Doveton, that "Martial law is the will of the Military Commander", had come to be a hard fact.

7. *At Lahore*

The contagion had spread naturally to the towns neighbouring Amritsar. Actions always speak louder than words. The alarming news had spread with the speed of sound.

While Lahore was observing *hartal*, in sympathy with Amritsar, on April 11, 1919, the D.C. called the leaders of both communities (Pandit Rambhaj Datta Choudhry, Syed Mohsin Shah, Dr. Khalifa Shujauddin, Lala Harkishan Lal, Mr. Duni Chand and others) and requested them to go to the Badshahi mosque and to calm down the people who were collecting there. They complied and addressed the gathering in the mosque and exhorted them to open their shops and to give up the *Hartal*. The infuriated people however disagreed

and could not be brought around. This meeting was, subsequently, declared to have been an "act of rebellion", the gravemen of the charge being the ridiculous allegation that the hindu speakers had addressed the audience from the pulpit of a mosque. Consequently, Lal Harkishan Lal, Mr. Duni Chand and Pandit Rambhaj Datta Choudhry were deported. Unlike Amritsar, there were no incidents of murder or loot at Lahore and there was no unrest or disturbance except for the *hartal*. The Indian and European officers had been moving about in the town and performing their duties without any opposition or interference from the people. It has been said of a Raja that when an accused person convicted by him protested, he (Raja) replied. "what do you mean, silly fellow, if you don't choose to commit a crime shall I too choose not to inflict a punishment"? The beaurocracy acted in Lahore in like manner. Crime or no crime, punishment must come , and it did come off so often.

Fifty miles away from Amritsar lies the prosperous industrial town of Kasur.Its people took out a procession whose nature is amplified by the following Punjab Government report:

"It now resembled a Muharram procession; there were general cries of lamentation, and beating of breasts; it was deliberately working itself up into the state of frenzy which Muharram processions frequently exhibit. Upto this time apparently the intention had merely been to make a violent demonstration. Arrived at the station,the crowd did considerable damage by breaking doors and throwing stones at windows, but did not penetrate the station or interfere with the permanent way. It then commenced to turn away, but at the direct incitement of some of its leaders, surged back and commenced a more serious work of destruction. It burnt an oilshed, damaged the signal and telegraph wires, smashed a quantity of furniture and looted the ticket office".

An approaching train was drawn up at the distant outer signal of the railway station. The crowd rushed towards it

and attacked its European pessengers, comprising Mr. and Mrs. Sherbourne and their three children. Captain Limby, Lt. Munro, two warrant Officers, Master Gunner Mallet and Conductor Selby. Corporals Battson and Gringham of the Queen's Regiment. Mr. Ghulam Mohyuddin advocate saved the Sherbourne family in the manner recorded below:

". . . . . .The Sherbournes would probably have fared badly but for the persistent efforts of Mr Ghulam Mohy-ud-Din, Pleader . He had been one of the promoters of the meeting of the previous day and was clearly recognised by the crowd as a leader; but he now showed undoubted courage in dissuading the mob from violence".

The two corporals were beaten to death while others escaped. Then the mob looted and burnt the *Mandi* post office and the Main post office. The munsifs' court was also burnt.

The consequent vengeance, emnating from Captain Doveton, was of the worst type. School boys were flogged publically. All persons, convicted by the captain, were made to lie down on the ground in front of him and rub their foreheads at his feet. He ordered people to mark time, climb ladders, dance with foolcaps on, or rub their noses on the ground and skip for long periods of time. He even ordered some innocent Sadhus to be white-washed, like a plastered wall.

9. At Gujranwala

Gujranwala was another town that came in for exemplary punishment. Two small towns of the district, Chuharkana and Sangla, had observed *hartals* on April 6, but the district town, Gujranwala, had not. People from these towns came to Gujranwala on the *Baisakhi* festival and twitted its inhabitants for their lapse.Tales of woe had echoed out of Amritsar and Kasur. The 14th of April, therefore, opened at

Gujranwala with a complete *hartal*. Early in the morning a slaughtered calf was found hung up by the neck on the Gurukul Bridge. This incensed the crowd. The Railway bridge was set on fire. Shortly afterwards, a slaughtered pig was displayed at another culvert on the railway line towards the other side of the railway station, called the *kachi* bridge. The infuriated mob ran amuck. The tehsil, the district court, the dak bunglow the church and the railway station were set on fire.

The vengeance wreaked on Gujranwala assumed an extremely brutal and inhuman form. Lt. Col. O'Brien and Mr. Bosworth Smith were extremely cruel officers and, now, they were at their worst. People were made to sweep the streets and clean the filthy drains; the town was bombarded from air; eight bombs were so dropped; several rounds were fired from the machine gun not only on Gujranwala Town itself but on the neighbouring villages as well.

10. At Wazirabad

Wazirabad, Hafizabad and Nizamabad, all three small towns in district Gujranwala, also shared identical lot. Sangla Hill and Chuharkana, Ram Nagar, Mahnianwala did not lag behind in receiving their share of retribution. Bosworth beat the women of the whole village out of their houses, paraded them all in front of him, unveiled their faces with his stick and called them contemptible flies *(Gandi Makhi)* and bitches, and addressed them saying. "You were in the same beds with your husbands, why did you not prevent them from going out to do the mischief?"

11. At Sheikhupura

At Sheikhupura almost all the pleaders were arrested and then released, without trial, but not before six weeks of detention. They were paraded in handcuffs and chains throughout the town. Bosworth collected the people of the town, made them stand in the sun and delivered to them a

lecture on the Indian pleaders who, he said," were cheats and should be treated as menials". He then abused the whole audience, calling them *kala log,* swines and *gandi makhi.* Gauhar Singh, a retired inspector of police, was arrested as a hostage for his sons, and his property was confiscated and he was paraded bare-headed,bare-footed, in handcuffs, before the audience

12. At Gujrat

The official account of the happenings in Gujrat is as follows:

"The shops remained closed, and during the morning *somewhat* exitable crowd, mostly *youths*, marched about the city . About 10-30 A.M they went to the Mission High School and compelled it to close, after breaking a number of windows and doors.

They visited other schools, but they had already closed. In the afternoon the crowd re-assembled, and was observed to be moving towards the railway station, which was unguarded either by police or troops . . . .After smashing a number of lamps on the way, it reached the station, and swarming into it *began* destroying the telgraph and telephone instruments and furniture and setting fire to records. It had been *followed* by a force of police with a senior Indian Magistrate; in view of the damage which was being done to the station the latter ordered the police to open fire on the crowd. A few shots were fired–as far as is known without effect–and the crowd dispersed, some arrests being made . Additional troops were now sent for and arrived at midnight: but it was not found necessary to utilize them, or the small force already in the city, in quelling disturbances. On the following morning (the 16th) notices were issued prohibiting meetings and processions without license; practically all the shops were opened during the day and no further disturbances occurred".

The crowd was composed of only a few hundred people and the plice, luckily, fired not on them but into the

air, perhaps the only silver lining to the dark clouds hovering all about.

12. At Layallpur

The situation at Lyallpur is best described in the order, dated the 5th of July, of Mr. F.P. DeMont morency, Deputy Commissioner thus:

". . . . . .The facts of the case are as follows:–

"There were no riots or disturbances in Lyallpur that day (the 17th April); though shops were shut, no disorder or unlawful assemblies were noticed in the town itself. . . .The *bhusa* stacks which consist of large pyramids of bales lying on some open ground between the goods sidings and the factories. They are separated from the town by the goods sidings and goods yard. The goods yard gate was closed that day. A considerable space, occupied by the Normal School and the District Board *sarai,* separates the goods yard from the town of Lyallpur. There was a picket of Indian Infantry on the road which leads past the Normal School and the *sarai* and separates them from the town. A patrol visits the goods yard and the Elevator.

"The *bhusa* appears to have gone on fire between 8-15 p.m. and 8-45 p.m. The fire was noticed by the picket at about 8-40. The night was dark; there was strong wind blowing from the direction of the factories at the time. The wind later developed into a dust storm of great violence.

"The stack or rather pyramid of bales which was nearest to the factories had taken fire. The fire had begun on the side nearest to the factories. The *sirki* covering or roof over the bales had caught fire. The fire communicated itself to the bales at once. The *chowkidar* of the *bhusa* stacks was absent at the time. The storekeeper or the officer in charge of baling operations arrived shortly after the fire had begun. I reached the spot with cavalry very shortly after

the fire had begun. A few people from the factories, a few members of the Municipal Staff and the Store-keeper alluded to above, were the only persons on the spot when I arrived. There was no information of any crowd having visited the stacks or of any single person having been seen near the stacks. The absence of the *chowkidar* seems to have been due to laziness and not to have been arranged or pre-meditated. Neither patrol nor picket saw anything suspicious in the vicinity of the goods yard. The subsequent dust storm and covering of the ground by foot-prints of the helpers who tried to prevent the fire spreading to other stacks prevented all possibility of track evidence.

"A very exhaustive police inquiry was made: no trace of anything bearing on the burning of the *bhusa* came out There were some approvers in the Lyallpur cases who were associates and in the secrets of those who were convicted in the Lyallpur disorders. None of those, however, had any information to give, in regard to the burning of *bhusa* which does not seem to have formed part of the plans of their associates.

CHAPTER IX

THE ERRANT BEAUROCRAT

O'Dwyer: The Man

Sir Michael O'Dwyer, a formidable Irishman aged 54, had been the Lt. Governor of the Punjab since 1913 and was due for retirement in a few months time when the horrible events of 1919 took their ugly shape. With all his overtones of character and bearing, he was decidedly, a learned man. After passing the I.C.S. exam, he read a 3 years course in law in one year and obtained one of the two Firsts. Extracts from his speeches and writings reproduced in these pages, palpably reflect his literary flair. He was known for his linguistic and rhetorical wealth. He often quoted Saadi's couplet...

> The spring at its source may be turned with a twig:
> When it grows to be a river it cannot be crossed by an elephant.

He also used to quote Sir Henry Maine's saying. .

> "The governor who waits to recognize rebellion till it looks like a war, will probably find he has waited too long".

To quote Woodruff, "he was a man to be admired; utterly courageous both morally and physically; a fine horseman, a man of compassion for his children. . . .it was part of his compassion that he would not spare the rod".
His hatred for the educated people and the *vakils* has been explained by the fact that the entire recruitment for the army came from the peasant calss and that no lawyer, no politician, ever came forward and that out of 10,000 univer-

sity students only seventy joined the colours, despite persuasion and rosy prospects offered"

The longest Libel action in British history

Dwyer had never met general Dyer before the Amritsar shooting, and it is said that he never met him on more than two or three occasions afterwards. But their fates became increasingly bound up together and in 1924 became inextricably locked in a great Libel action brought by him (O'Dwyer) against Sir Sankaran Nair. This case stands out as the longest Libel action in British legal history; hundreds of witnesses were heard, either in court or on commission in India, and the whole Punjab drama was re-enacted befor ethe cool gaze of an English judge, Mr. Justice McCardie. O'Dwyer had to prove in the case, for his own sake, that general Dyer had acted rightly. The cause of action arose out of the substance appearing in the book, 'Gandhi & Anarchy', written by Nair, wherein he had rigorously attacked O.Dwyer and observed, *inter alia,* that "it was in the power of the Lt.Governor, a single individual, to commit the atrocities in the Punjab". O'Dwyer had been well accustomed to libellous attacks from the Press and the Indian politicians. He could not, however, pocket the "libel" hurled upon him by Nair, a former member of the Government of India.The Hunter Commission had also returned a verdict of guilty against him. He was, therefore, already on the look out for an occasion to vindicate his lost prestige and position. His solicitor (Sir William Johnson-Hicks) served a notice on Nair to withdraw the libellous remarks and to apologize. But the latter refused point blank and thus the processes of law rumbled into action. After a long drawn out trial, Mr. justice McCardie held that O'Dwyer was in Lahore, and not at Amritsar, at the time of the Jallianwala incident and that, although he approved the action afterwards, that was a different thing from saying that he had instigated it. "How can a man instigate a thing", he pointed out "of which he previously knew nothing whatsoever"? Eleven jurors voted for the plaintiff (O'Dwyer) and only one against him. Judgment was ultimately entered for five hund-

red pounds damages and costs. The long action was over and. to an extent, both Dyer and Dwyer were absolved.

Udham Snigh Finds His Target

On the last day of his life, Dwyer was addressing an extraordinary assembly of learned and outstanding personalities of the time, at the Coxton Hall in London. The meeting had been arranged by the Royal Central Asian Society. The Secretary of State for India, Lord Zetland, was in the chair Sir Percy having finished his speech, O'Dwyer held the floor with a brilliant speech, arguing that the "Afghanistan Government could now be regarded as a friend of Great Britain". As he turned to sit down, some shots rang out. Dwyer fell to the floor profusely bleeding, never to rise again. Lord Lamington, a former governor of Bombay, and Sir Louis Dane, a former Lt. Governor of the Punjab, also fell down injured. They however, survived.

There was a scuffle at the back of the hall where some women audience clung to the clothes of the assasin, a sikh gentleman, till their menfolk could race down and overpower him. He was Udham Singh, from the Punjab. He had been only sixteen in the fateful year, 1919. He remembered the shooting at Amritsar and had, all along, nursed a great hatred for the British. He had, on him, a note of O'Dwyer's address at Thurlestone, in Devonshire. It was, ironically, once again the unlucky figure of *thirteen*, the *thirteenth of March* 1940, when the final echoes of the firing of the *thirteenth of April* 1919, had reverbiated. "I did it because I had a grudge against him". said Udham Singh at his trial. He was convicted and hanged. "I am dying for my country". were his last words.

His counsel gleefully observed, "Probably in no other country in the world, and at so crucial a time. when the British army was engaged in the height of evacuation operations from Dunkirk, would a vehement opponent of imperialism he afforded so calm and fair a trial, by a court of the

Empire he denounced". In an attempt to project British character,comparisons were also sought to be drawn by pointing out that Mr. Gandhi had fought the British for forty years but they never laid a finger upon him; he was murdered by none other than his own countryman, Nathu Ram. Little consolation, perhaps!

What Dr. Tagore had said in his Gitanjli, about the final phase of man applies, in material parts, to Sir Michael O'Dwyer too. Said the poet:

"I have got my leave; bid me farewell, my brother,
I bow to you all to take my departure.
Here I give back the keys of my door
And I give up all claims to my house.
I only ask for last kind words from you.
We were neighbours for long,
But I received more than I could give you.
Now the day has dawned,
And the lamp that lit my dark corner is out.
A summer has come,
And I am ready for my journey".

CHAPTER X

THE BLUNT HONEST SOLDIER

Dyer, The Man

Brigadier-General Dyer had met his end thirteen years earlier, on July 23, 1927.

In 1919, at the age of 54, he had already served the Indian Army for thirty three long years. He had been a sportsman and an athlete in his younger years and was stout and muscular. A queer trait of his character was that he hated hunting and shooting animals on account of the cruelty involved. He openly despised this sport. Col Wadgewood beautifully highlighted the anomaly of his character in his speech in the House of Commons by saying that while an English Sportsman would take any amount of trouble or time to see that a wounded partridge was put out of its agony and misery, Dyer left hunderds of men unattended for two days to die slowly.

Dyer was a brilliant Linguist and could fluently speak, besides English, French, Persian, Urdu, Punjabi and Pashto. A brilliant conversationist, he would send his listeners into peels of laughter with the jokes and anecdotes he so beautifully rendered. But on April 13, 1919 he bade good-bye to all his sparkling humour and wit. He was a different man.

Dyer was born at Murree in October, 1884, the sixth child of his father, Edward, a man of modest means from England, who was the Manager of the Murree Brewery Company. He had his early schooling at the Bishop Cotton's School at Simla and, thereafter, in Ireland. He entered Sandhurst in 1884 and was gazetted, a year later, to the 2nd Battalian Queen's Royal West Surrey Regiment. In due course he moved up the official ladder, by dint of sheer

merit and open competition and ultimately, came to hold the Command of the Jullundur Brigade when he met the crisis of his life.

Earlier, in 1917, he had miraculously survived,against all expectations of the Doctors attending on him, when he received grave and serious injuries, suffered in a nasty fall from an unruly horse at Akora Khatak, while watching an artillery demonstration. Thereafter, he remained a physical wreck and could barely walk. He never completely recovered from the disability till his last and could just hobble around, in his last days, aided with a stick, in his country house, outside Bristol.

In 1921 he had a stroke of paralysis and he retired to the peace of the west country, restricting his life to his home and garden. But the events of the 13th of April 1919 still flamed in his mind. Day after day, as he lay in bed or sat in his chair, he would go over them and examine his conduct to see if there was anything with which he could reproach himself, either in his appreciation of the military situation, his motives, or his action. And always he came to the same conclusion that he had been right.

Men are cruel : Man is kind

In 1927 he was in extreme bad health and was visibly inching towards the grave. He had evidently lost all appetite for living. Daughter-in-law, Phyllis, sitting by the bed of the ailing and exhausted General, was trying to console him, assuring him of a speedy recovery. In utter frustration, however, he divulged his inner self, telling her: "Thank you, but I don't want to get better. So many people, who knew the conditions in Amritsar, say I did right: but so many others say, I did wrong. I only want to die and know from my Maker whether I did right or wrong".

Thereafter, he lost his power of speech and ultimately breathed his last on July 23, 1927.

Amongst the wreaths placed on his grave was one from Rudyard Kipling with a card which read, "He did his duty as he saw it".

"One can be thankful at least", said Arthur Swinson in his book "Six Minutes Before Sunset", "that no Englishman will have such a duty imposed upon him in future".

Everything said and done, Dyer was certainly an honest man. In his statement before the Hunter Committee he made a clean breast of what he had done, leaving out or withholding none of the incriminating parts of his thoughts, sentiments and actions. A lesser man would perhaps have withheld or distorted things. Admitting the horrific details of the incident he repeatedly said "It was my duty; my horrible duty". And to his last, he stood by his firm conviction that he had only done what he was duty bound to do. Ultimately, he preferred his final appeal to his Maker, craving a verdict as to whether he was right or wrong. Great of him, indeed!

Depicting Dyer's character the auther of Six Minutes to Sunset writes. . ."There was, in fact, a terrible honesty about Dyer, a stark uncompromising honesty. Most revealing is his anwer to Setalvad (a member of the Hunter Committee) Asked whether he (Dyer) considered that the British Raj was in danger he stated "NO, the British Raj is a mighty thing". Ninety nine men out of a hundred in the situation would have said "Yes", says the author.

If, in the course of his "appeal" to his Maker, Dyer is ever called upon to produce evidence in defence, he would perhaps find no better a witness to substantiate his case, than Mr. Gandhi himself and his Congress. Mr. K.M. Munshi, a veteran congressite, politician, leader and lawyer from Bombay in his book "I follow the Mahatma" narrates in this behalf a very important event. In the christmas of the year 1919, he tells us,(when India had not yet recovered from the shocks of Jallianwala) a resolution was moved at the annual

session of the Congress, condemning both the massacre at Jallianwala and the *mad frenzy of the crowds during the preceding riots.* The later part of the resolution was condemned and openly resented by several members, including Mr. Munshi, as it was argued and questioned—was the killing of a couple of Europeans to be placed on the same level with the cold blooded massacre of hundreds of innocent men and women? One leader from the Punjab gave expression to his feelings rather crudely. "No one, born of an Indian mother", said he, "could have drafted this resolution". After a heated discussion, the offending later part of the resolution, was ultimately lost by an overwhelming majority.

Mr. Gandhi was reported, next morning, to have passed a sleepless night. When the next day's session started, the president wanted the House to reconsider the resolution as Mr. Gandhi was very keen on it.

After the Punjab leader had said that "no one born of an Indian mother could have drafted the resolution", Mr. Gandhi had considered deeply and long, whether as an Indian he could have drafted the resolution, for indeed it had been drafted by him. "But after long searching of heart he had come to the conclusion that an Indian *alone* could have drafted it". And then, he spoke in the House as if his whole life depended upon the question. He spoke for full one hour. Then followed the debate. Ridicule was poured on him. Bitter insinuations and flippant jibes were not spared. But to no effect. He carried the day. The resolution was reconsidered, reviewed, modified and accepted in its original form "Mr. Gandhi " says Mr. Munshi, "was left in possession of the field; its unquestioned master".

The *"mad frenzy of the crowds"*, forming the integral part of the Congress resolution, was the only defence available to Dyer because, on his own showing, he was awfully angered on the treatment meted out to persons like Miss Sherwood. Thereafter remains the delicate and difficult question of drawing the fine line between the strictness of

law and the rigour of its applicability. And on this point the whole world has held a divided opinion as to whether Dyer was right or wrong. Pro-Dyer and Anti-Dyer factions have been equally vociferous, propounding and arguing out their view points.

Deputy Commissioner, Irving, approved the firing operations because "in its result, the whole rebellion collapsed". Major General Beynon said, "the wisdom of general Dyer's action has been fully proved by the fact that there has been no further trouble of any sort at Amritsar". Sir Michel O'Dwyer had to say. . . "I have no hesitation in saying that General Dyer's action that day was the decisive fact". And then, the Despatch of the Government of India read. . "We think that the General's action checked the spread of the disturbances which it is difficult now to estimate". Sir Reginald Craddock observed, "What had happened at Amritsar had started to happen in other places and would have gone on happening everywhere if General Dyer's stern action had not quelled it". During his last days, Dyer received a memorandum from 35000 Britishers, residing in India to assure him, in gratitude, that "we are thankful that an occasion of great danger and responsibility found a man prepared to act without regard to personal consequences and, therefore, wish to express our gratitude for your share in suppressing the rebellion in the Punjab and we consider that your courage and resolution saved India from a great catastrophe".

A most significant and interesting event has been narrated by Rupert Furneaux, auther of "the Massacre at Amritsar", thus:

"When he returned to Amritsar at the end of April, General Dyer and his Brig. Major, Captain Biggs,were summoned to the golden temple where they found themselves in the presence of the chief priests and the leaders of the sect...

'Sahib', they said, 'you must become a Sikh even as Nikalseyn Sahib (General Nicholson of Mutiny fame) became a Sikh'.

The General thanked them for the honour, but he objected that he could not,as a Brtish officer,let his hair grow long.

Arur Singh laughed. 'We will let you off the long hair', he said.

General Dyer offered another objection, 'But I cannot give up smoking'.

'That you must do', said Arur Singh.

'No', said the General, 'I am very sorry, but I cannot give up smoking'.

The priest conceded, 'We will let you give it up gradually'

'That I promose to', said the General, 'at the rate of one cigarette a year'.

Mr Ian Colvin continues his charming little story:

'The Sikhs, chuckling, proceeded with the initiation. General Dyer and Captain Briggs were invested with the five *Kakas*, the sacred emblems of that war-like brotherhood, and so became Sikhs. Moreover, a shrine was built to General Dyer at their holy place, Guru Sar Sultani, and when, a few days afterwards,came the news that the Afghans were making war on India, the Sikh leaders offered the General 10,000 men to fight for the British Raj if only he would consent to command them. General Dyer reported this offer, but it was refused, and a magnificent impluse of loyalty was allowed to fade away".

The Army Council, however, returned the following verdict which was announced in the House of Commons, by Churchill, then Secretary of State for War:

"The Army Council have considered the report of the Hunter Committee together with the statements which Brig. General Dyer has, by their direction, submitted to

them. They consider that in spite of the great difficulties of the position in which this officer found himself on April 13, 1919 at Jallianwala Bagh, he cannot be acquitted of an error of judgment. They observed that the C-in-C of India has removed General Dyer from his employment and that he has been informed that no further employment would be offered to him in India; that he has, in consequence, been reverted to half pay and that the Selection Board in India have passed him over for promotion. These decisions the Army Council accept. They do not consider that further employment should be offered to General Dyer"

After waiting till the cries of "Why"? and "Shame" had died down, Churchill continued:

"They have also considered whether any further action of a disciplinary nature is required from the Army Council. In view of all the circumstances, they do not feel called upon, from the Military point of view, with which they alone are concerned, to take any further action".

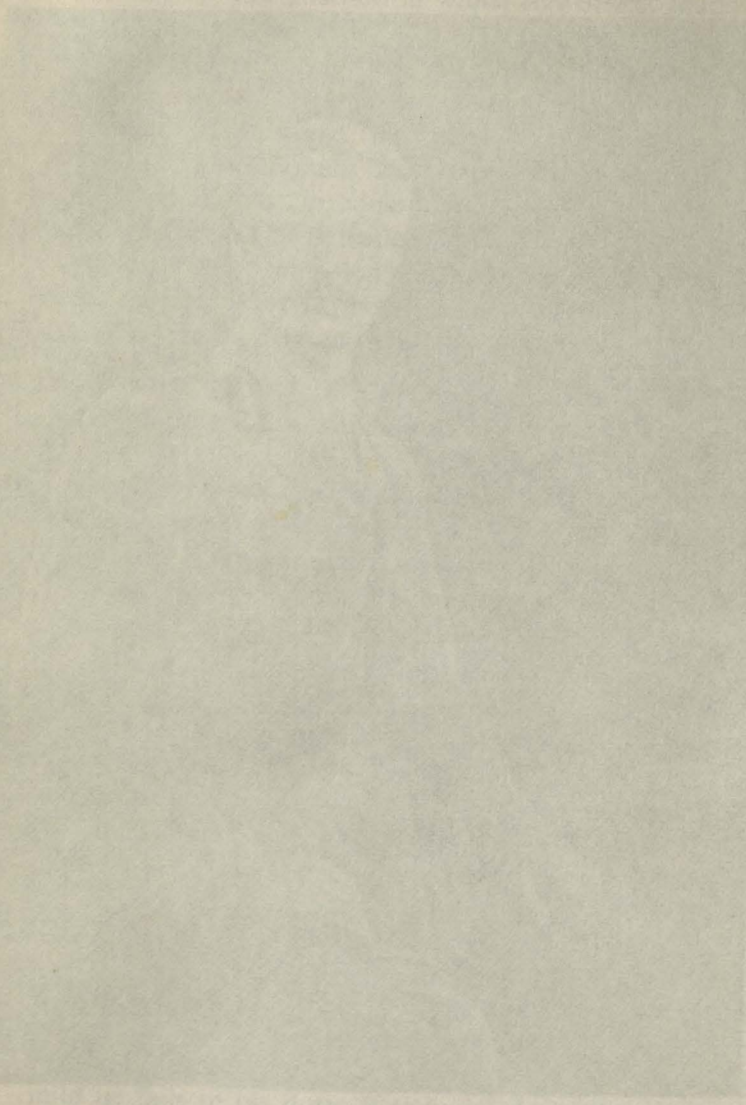
The main actors of the drama of 1919, Dwyer and Dyer, both met tragic ends. But, without doubt, the Jallianwala Bagh created for Dyer a special miche in the Gallery of Frightfulness. What fate his final appeal to his Maker met is known to that Judge of all judges alone!

A soldier's life, one should remember, is no bed of roses. In the words of Sir Havelock Hudson:

'No more distasteful or responsible duty falls to the lot of the soldier than that which he is sometimes required to discharge in aid of the civil power. If his measures are too mild he fails in his duty. If they are deemed to be excessive he is liable to be attacked as a cold-blooded murderer. His position is one demanding the highest degree of sympathy from all reasonable and right-minded citizens. He is frequently called upon to act on the spur of the moment in grave situations in which he intervenes because all the other resour-



GENERAL R. E. H. DYER



GENERAL R. E. H. DYER

ces of civilization have failed. His actions are liable to be judged by *ex post facto* standards, and by persons who are in complete ignorance of the realities which he had to face. His good faith is liable to be impugned by the very persons connected with the organization of the disorders which his action has foiled. There are those who will admit that a measure of force may have been necessary, but who cannot agree with the extent of the force employed. How can they be in a better position to judge of that than the officer on the spot? It must be remembered that when a *rebellion has been started against the Government, it is tantamount to a declaration of war. War cannot be conducted in accordance with standards of humanity.*

CHAPTER XI

RAM MUHAMMAD SINGH AZAD

Bhagat Singh and Dutt: Marriage with Death:

Somebody tries to get us to do a thing by force; we refuse to do it; and he kills us. Who is the conquerer? He or we?

Most certainly, we! We are the conquerers because *he* could not get us to do what he wanted.

It was this sort of logic and reasoning that Mr. Gandhi propounded to project his theory of *Satyagraha*' (Non-violence). Several people readily accepted and acclaimed the theory as something superb and sublime; several scoffed at it; to them, it was something odd and fallacious; shockingly repugnant to self-respect and human dignity. The latter category believed in, and advanced, the policy of *direct-action;* tooth for tooth and eye for eye. In the late twenties of the century this latter type gained predominence and, in consequence, revolutionery activity was much in evidence in the Punjab. The newly formed sect of *Babbar Akalis* among the Sikhs, gave pretty tough time to the government and also received, in turn, considerable roughing in several encounters, on their religious and social fronts. But the man who stole the limelight was one Bhagat Singh, a youngman burning with revolutionery zeal who, in his youthful exuberance avowedly longed to *"marry himself with Death"*, when matrimony was suggested to him by his father.

In October 1930, arrived at the Lahore railway station that *persona-non- grata* , known to History as the Simon Commission, comprising, despite express resentment and

pronounced dislike by the Indians, an "all-white" personnel. Boycott had already been announced and, in the consequent disturbed atmosphere, demonstrations were staged against the visitors. The demonstrating crowds were lathi-charged and, in the process, Lala Lajpat Rai, the veteran congress leader, received a blow at the hands of a European police officer, on account of which he later died. Bhagat Singh had seen the outrage and was not slow to avenge the insult and the injury. Saunders was shot dead from the premises of the then D.A.V. College, Lahore, while emerging from the Police Office, opposite. Earlier, on April 8, 1929, Bhagat Singh's idea of *propaganda-action* had resulted in the explosion of two bombs in the Assembly Hall, followed by a shower of pamphlets proclaiming: *"It takes a loud voice to make the deaf hear"*. Examined in Court, Bhagat Singh stated that the bombs had been dropped to register protest on behalf of those who had no other means left to give expression to their agony. "Force", he added, "in furtherance of a legitimate cause had its moral justification". On June 12, Bhagat Singh and his colleague, B.K. Dutt, were sentenced to transportation for life in the Bomb case. For the murder of Saunders, he was sentenced to death on Oct 7, 1930 and was executed on March 23, 1931. His wish to be *"married to death"* was thus accomplished.

Sarfaroshi Ki Tamanna:

Instantaneously, Bhagat Singh became a Symbol; a hero of several legends, some true some woven from imagination. He hit the headlines. Several poems and songs were composed and sung around the streets of big cities and in slums and hamlets. In those days of hero-worship, a young man was seen dancing in ecstacy, with a miniature portrait of Bhagat Singh in his hand, reciting and singing a couplet from the well known ghazal of Bismal.

Sarforshi Ki Tamanna ab humare sar men hai
Dekhna hai zor kitna bazu-i-qatil men hai

(Now we long to wager our heads; let us size up the power of the assasin's arm).

This youngman was none other than Udham Singh,–the man who shot down O'Dwyer on March. 3, 1940 and went to the gallows on July 31. 1940, unsung and unwept, receiving little of the publicity he richly deserved.

Publicity gagged:

Udham Singh had been harbouring his intentions for several years but was, perhaps, a trifle too late in executing them. The year 1940 was certainly inopportune, at least from his personal point of view. At the moment, Briton was engulfed in the War, head and ears. Naturally, the incident of shooting O'Dwyer and the consequent trial, conviction and execution of Udham Singh were matters pregnant with many serious consequences–they could have revived the unsavoury memories of the 1919 happenings and triggered off unrest and commotion on any scale. The Home Department, Government of India, therefore, stressed the desirability of securing that the trial of Udham Singh should be reported as unsensationally as possible *(File No. 77 National Archives of India, New Dehli).* The precautions adopted by the Government of India and the Government in U.K. shut out all publicity which the incident would have received in the normal course of things. With this object, pernicious insinuations were rather concocted to tarnish the image of the man. On April 12, the Director Intelligence Bureau of India had, thus, indicated that Udham Singh had the "intention to pose as a martyr and play to the gallery by making out to be a hero in the cause of Indian Freedom". Special precautions had been taken in London to ensure that the Press did not give "undue prominence" to Udham Singh's *heroics*" and it was suggested that the Director General of Information in India should warn the Press to be on their guard and to "deny Udham Singh the publicity which he is seeking" (Intelligence Bureau's file No. *13/B/general/40 and Government of India, Home Department, File No. 77, 1940).* These precautions took considerable time to mature and, therefore, the trial of Udham Singh, originally scheduled for April, was eventually held in the month of June. Udham Singh was formally char-

ged that "you, on the 13th day of March 1940, at Caxton Hall, S.W. 1, felloneously, wilfully and of malice aforethought, did kill and murder one Michael Francis O'Dwyer". On the day following, he was found guilty and sentenced to death, which he met on July 31, 1940.

A Phoenix rises from the Ashes

On Aug 6, his frined, Shiv Singh Johal wrote to the governor of Pentonville Prison for the belongings of Udham Singh and his ashes for internment according to religious rites. In reply, Mr. Lambert wrote to say that the belongings of the man had been forwarded under a separate cover but the request for the ashes could not be acceded to.

Ultimately, the ashes came to India after Partition. And, phoenix like, arose from them, the man that was Udham Singh.

Precious little is known for certain about the antecedents and early life of Udham Singh. He, however, comes alive through the life-like portrayal of numerous disjuncted incidents of his life collected in later years. The newly set up Guru Nanak Dev University at Amritsar activated intensive and extensive research work in this behalf. Prof: J.S. Grewal, Head of the History Department and Mr. H.K.Puri of the Political Department of that University collected invaluable factual and documentry wherewithal and edited the book, *Letters of Udham Singh*, which was published by the University in 1974. This book contains fascimiles of some half a dozen letters written by Udham Singh while he was an under-trial prisoner at the Brixton Prison in England, apart from quite a few other documents relating to his trial, engagement of defence counsel for him by his friend Mr. Shiv Singh Johal, payment of counsel's fees etc. Copies of some of these have been incorporated in this book, along with their transcription, retaining the language, the grammar and spellings of the originals.

A man of many minds

A close perusal of these letters tends to create an impression that Udham Singh was extremely calculating, shrewed and intelligent; had an acute sense of humour; was a man of many minds, paradoxical at times and certainly out of the ordinary.

On March 13, the name he gave to the police was Mohammad Singh Azad. He had been, later, describing himself, differently as M.S. Azad and Muhammad Singh. etc. His photographs appearing in the book mentioned above, show him to be a clean shaved man, not even wearing the long hair of the Sikhs. His portrait hung up in the Memorial Hall at Amritsar, however, shows him as a full-fledged Sikh, named Ram Muhammad Singh Azad.

In one of his letters he asked for a copy of the *Quran Sharif* and in another for the *Gutka* (the prayer book of Sikhs) But in yet another letter he writes – I am telling you I do not want your religious books as I do not believe them nor "Mohamedenis" (meaning Islam). Elsewhere, he writes "I have left my God in India. But hear is a English god. I do not understand him and I eat cows and pigs too because they are European". In another letter he says" a gentleman comes to see me nearly every day; he was a head of some mission in India and trying me to Bring Faith in Christianity.. Now what about the Sikhs if they don't want me to loosing from their religion. So I may please the old man who waste his time for me. I might get position in government when I will go back as I am thinking to adopt their religion as I belong to Church of England just to please him as he waste his time and my time also" (language and spellings, his own).

Utham Singh repeatedly wrote to people outside, more particularly to his friend Shiv Singh Johal, for books in Urdu and Gurmukhi and, then, pointedly telling them that "I do not want your religions books". You will understnad

the sort of books I want some books about History of Indian newspapers''. The authors of *Letters of Udham Singh* are of the view that he did not, in fact, need any books and that, possibly, the word "*book*" was deployed as a code-word for some revolver or weapon. Frustrated on the failure of Shiv Singh to decipher the code-word and to catch the hint, he writes another letter to him, in obvious anger and despair, addressing him as "Dear Mr. Jahal Singh'' instead of Johal Singh (Jahal = ignorant, dunce).

The last wish: Heer Warris Sahah:

Udham Singh was definitely a sentimental youngman of strong likes and dislikes; always anxious to measure up to his beloved idol, Bhagat Singh, emulating his life pattern and conforming to his convictions. He calls him his "best friend", who had "left him behind by ten years", adding, "he is waiting for me". And on the eve of his earthly life he, at last, asks neither for the *Quran* nor for the *Gutka* but for a copy of that immortal love story, "Heer Warris Shah'', saying, "I like to take this book to old Bailey for to take oath''. What a romantic dedication! and singularly extraordinary too!

The Letters are not devoid of humerous "asides'' as well. "I am guest of H.M. the King George now", he writes in one of them and says at another place "I am looking forward to some better castle". "At present'' he write again, "I am having many body guards and I am well looked after". "I like the place very much''. he adds, "I am putting up my weight. It must be over 5 lbs at least since I came to be guest of Royal family".

These letters were first reproduced in the *Illustrated weekly of India* in the beginning of 1972, in an article on Udham Singh, written out by M. S. Gill and were, later, acquired by the G. N. D. University. Giani Gurmukh Singh Musafir has prominently referred to Udham Singh in his book "*Martyrs of the 20th Century*." Prof. Fauja Singh and

Sardar Kalbir Singh have also prominently referred to Udham Singh in their books *"Eminent Freedom Fighters of the Punjab"* and the *"Sardar"*, respectively, portraying him as the "patriot who avenged the Jallianwala massacre". He forms the central figure in S. Kesar Singh's historical novel, *"Shaheed Udham Singh"*. The man has thus been adequately placed and profusely written about in recent years.

Selfless Dedication to a cause :

Despite hectic search for facts, the biographers of Udham Singh have felt themselves faced with paucity of factual information about his early life. He has been reconstructed from sketchy information dug out from here and there. It is, however, known for certain that he belonged to Shahpur in Sunam and was the son of a Sikh Kambo, lowly placed in life, being as he was, a watchman on a railway crossing, and having died leaving him an orphan, aged six or seven, plus another son, senior to Udham Singh. Both orphans, for obvious reasons had to be admitted to the Khalsa Central Orphanage in 1907 *(vide entry No.121–221 in Admission Register, dated 24.10.1907).* Udham Singh left the Orphanage after his matriculation, that must have been near about 1918–1919. It is not certain whether or not he witnessed the firing at Jallianwala but enquiries made by Commissioner of Police, Scotland Yar, in 1940, showed that none of his brothers or relatives were killed in the massacre. "How he had conceived the idea of avenging the death of his brothers (implying countrymen of course) it is difficult to say".

Udham Singh left India sometimes after 1919 and went to America where he joined a group of revolutionaries who were engaged in propagating the ideas of armed revolution. He was deputed on the Pacific coast, to receive revolutionary immigrants and to drive them to appointed places. He is said to have received a message from Bhagat Singh at that period of time to return to India and to work there. He immediately returned, loaded with weapons; was arrested

at Amritsar on the charge of carrying unlicensed arms and was sent to jail for four years.

Udham Singh was a versatile character – a deft motor mechanic, an adept driver, a dextrous carpenter and, above all, wonderfully proficient at changing garbs. He went about *incognitio* as a *Sadhu* for quite a long period in Kashmir and later worked there as a carpenter at the shop of a Punjabi furniture maker, Faqirea.

It was about the year 1934 that he went to England where, as it were, he had a tryst with destiny. He acquainted himself with the conditions prevailing in London, supporting himself by pedalling and closely associating himself with the people of the Gurdwara in Shephard's Bush, making friends with one Shiv Singh Johal, in whom he confided, telling him that he planned to *"do something"*. When nothing happened for several years Shiv Singh is reported to have taunted by calling Udham Singh "a mere talker". Udham Singh, it is reported further, replied that he wanted to get Sir O'Dwyer and Lord Zetland together.

On March 13, 1940 Udham Singh went to see Sir Hassan Suharwardy at the India Office in connection with his passport but did not see him. Instead, he saw a notice on the notice board announcing the meeting in the Caxton Hall and decided *"to protest"* with revolver shots.

What followed has been narrated in the earlier chapter. "I don't care' said Udham Singh, having shot O'Dwyer dead; "I don't mind dying, what is the use of waiting till you get old? This is no good. You want to die when you are young. That is good, that is what I am doing". After a pause he said "I am dying for my country".

Without affiliation to any known group or party, Udham Singh was the man who substituted his own meaningful activity for the fanfare of politics. He definitely stands out as one of the very few top brands of this cult, who translate their tall wordy professions into real action and pay for it with their lives.

No. 1010

M. Azad
Bixton Prison
15.3.1940

Dear Mr. Singh,

Friends I am sorry that I do not know your full name. Please will you do me a fever to send me few books so I can keep buzy my self here. I am having planty of time to study and the place I am is very nice But still I am looking forward to go some better castel. If you some books in Urdu or Gurmukhi and if you have time to do so then pl post the Books to me.

(On the reverse)

But I am telling yoy one thing I dont want your Religions Books as I do not beleve them nor Mohamedeins. So you can please yourself. I am sure I could get some books from S.B. Mohan Singh. But he has gone back and I do not know you who is the Incharge of the Gurdawara now that is all. I am a Prisoner and writing from Brixton Jail.[6] I have to stay here. I am having many body guards and I am well looked after. I hope and wish soon I will be born again when all of you will be old. Because the case against me is case I waited for many years. I am have not written you in Hindustani.[8] But still you will understand the sort of Book I want Some books about history or Indian news papers. I tell you one thing as my expense you will not take this troublle for me. But I do not care much But if you do sent the Books you will be appreciated and I will be much thankfull to your troublle. So good by to all.

Note
I am Guest of the H.M. The King George now
Singh M.

Your Sinly
Mohamed Singh Azad
in
Hospital Brixton Prison
London.

Note : (Spellings and verbs hiw own)

(Address)
Mr. Singh Sahib
Gurdawara Sri Guru Singh Sabha
79 Sinclair Rd.,
Shepherds Bush
London W. 14

In replying to this letter, please write on the envelope:

Number 1010 Name M. Azad

Brixton Prison

15 . 3 . 1940

Dear Mr. Singh —

Friends I am sorry that
I do not know your full
name. Please will you
do me a favour to send
me few books so I can
keep busy my cell here
I am having plenty of time
to study. and the place
I am is very nice But
still I am looking forward
to go some better castle —
If you some books in urdu
or gurmukhi and if you
have time to do so then all
post. the books to me

No. 24. (18721—19-6-34)

But I am letting you one thing
I dont want your ~~Religious~~
Books as I do not believe them
nor Muhammadanism. So you can
please your self I am sure I
could get some books from
S. B. Mohan Singh. But he has
gone back and I do not know
you who is the incharge of
the Gurdwara. Now that is
all - I am a prisoner and
writing from Brixton Jail
I love to stay here I am
having many body guards
and I am well looked after -
I hope and wish soon I
will be known again when
all of you will be old. Because
the case against me is case I
wanted for many days - I am
have not to written you in
Hindustani - But still you
will understand the spirit of
[illegible] want

(c)

Some books about history
or Indian news papers
I tell you one thing is my
assurance you will not take this
trouble for me. but I don't care
much but if you do sent the
books you will be appreciated
and I will be much thankful
to your trouble. So good bye
to all

Yours sincerely
Mohamed Singh Azad
in Hospital Brixton
Prison
London

Note I am Guest of the
H.M. The King George
now — Sixth

No 1010.

Brixton Prison
30-3-1940

Dear Mr. Jahal Singh.

I am sending your books back that was kind of you my last few days passed Reading these books will you do me a fever to sent some books after having these back. and moreover I do not know why I am here in Prison for I like the place very much I amputing up my weight.[20] it must be over 5 lbs at lest since I came to be a Guest of Royal Faimley. I never care much about denying I am born to die and I must.

P.T.O.

(On the reverse)

I know many of Indians living in this country are against me[21] But I care Blunt for only one thing I like to tell you I do not know who is doing this all lot for me about Soliciter and the Council. This is very expenses case and I dont want to have there money spent on my case when I am ready to go any where what ever it happen to me it is nothing to me and why then the peopls are taking trouble for me,[22] I never afraid of dying so soon I will be getting married with execution[23] I am not sorry as I am a soldier of my country it is sine 10 years when my best friend has left me behind[24] and I am sure after my death I will see him as he is waiting for me it was 23rd and I hope they will hang me on the same date as he was[25] so if you come to know who those peopls are helping me please tell them not to do so I will be glad if they spent there mony on education insted helping the murdere good by to all now and plase do remember to sent the Books soon you have the time Thats all I do here also one (Prayer Book)

Yours Sinly

MS Azad

(Address)

Mr. Jahal Singh
Secretary Gurdawara
79 Sinclair Road
London W. 14

Number 1010 Name V. Singh

Brixton Prison

31 · 3 · 1940

Dear Mrs Jahal Singh

I am sending your books back. that are kind of you My few days passed reading these books will you do me a favour to sent some books after having these books and magazines I do not know why I am here in prison for I like the place very much I am putting up my weight it must be over 5lbs atlest since I came to be a guest of Royal faimley

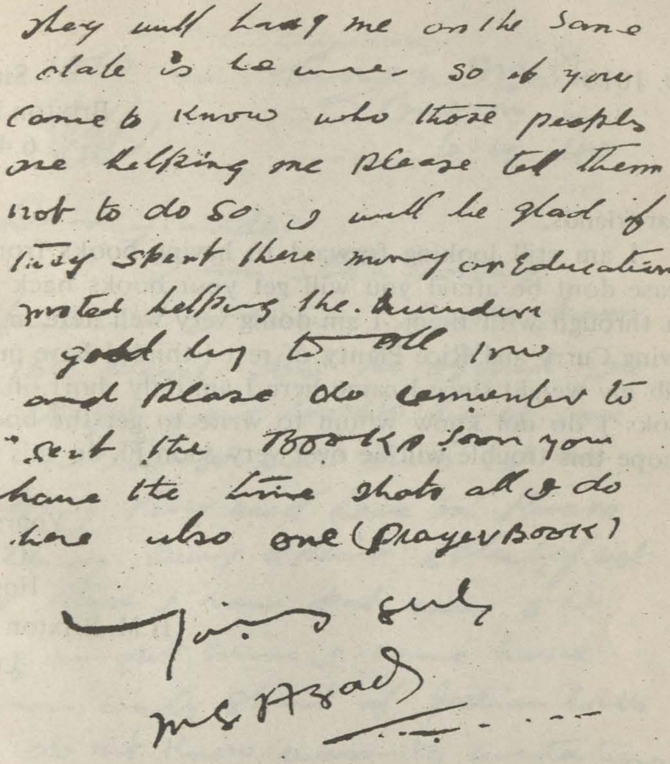
I never care much about dying I born to die

and I must

P.T.O.

No. 24. (18721—19-6-34)

I know many of Indians living
in this country are against
me But I care Blunt for
only one thing I like to tell
you I do not know who is
doing this all lot for me about
Salicitor and the Cancil this
is Very expences case. and
I dont want to have there money
Spent on my case when I
am ready to go any where
what ever it happen to me
it is nothing to me - and why
then the peoples are taking trouble
for me, I never afraid of dying
so soon I will be getting married
with execution. I am not sorry
as I am a soldier of my country
it is since 10 years when my
best friend has left me behind
and I am sure after my death
I will see him as he is waiting
for me it was 23rd and I hope



they will hang me on the same
date is the one. so if you
come to know who those peoples
are helping me please tel them
not to do so. I will be glad if
they spent there money on Education
instead helping the murderer
good bye to all now
and please do remember to
"sent the Books soon you
have the time that's all I do
have also one (Prayer Book)

Yours Sinly

M.S. Azad ---

NO. 1010

Singh M
Brixton Prison
6.4.1940

Dear friends,

I am still looking forward to having books from you please dont be afraid you will get your books back soon I am through with them. I am doing very well here in Prison having Curry and Rice Planty of rest I think I have put over 5 lb my weight since I came here I am only short of Indian books I do not know whom to write to get the books.[24] I hope this trouble will be over very soon Pl. do this for me

Yours Sinly
MS Azad.
Hospital
H.M. Brixton Prison
London

P.T.O.

also If you can get a book name
HEER WARS SHAH

I like to take this book to old bailey for to take oath as I am none believed they have Canged my name in the House of Commons. Mrs. Chamberlain gave me the name Udham Singh. Now he is my priest. So I like to have his book taker to court with me. Good bve to all .

Yours Sinly

Please write on the envelope:—

Number 1010 Name Singh M. A.

C&E Brixton Prison

6.4.1940

Dear Friends.

I am still looking forward to having books from you please dont be afraid you will get your books back soon I am through with them. I am doing very well here in Prison having Curry & Rice & plenty of rest I think I have put over 5 lb my weight since I come here I am only short of Indian books I do not know whom to write to get the books. I hope this trouble will be over very soon Pl. do this for me

Yours truly

M. S. Azad.

Hospital
H.M. Brixton Prison
London

P.T.O.

No. 24. (18721—19-6-34)

also if you can get a
book name ~~hir wars~~
HEER WARS SHAH
I like to take this book to
old bailey for to take oath
as I am none believ they
have canged my name in
the House of common Mrs
Chamberlain gave me the
name William Singh now he
is my Priest so I like to
have his book taken to
Court with me.
Good luck to all
your Sinly
Singh.

The Governer,
Pentonvile Prison
London-N 7

the 6th of August 1940

Dear Sir,

Re: Udham Singh's belongings.

I am informed by late Udham Singh that he had instructed to deliver his belongings to the Church. I had sent him a number of books too which all belonged to the Gurudwara. You will please arrange to deliver all his belongings to the above address at your earliest convenience.

The Committee of my church have asked me to request you to hand me over late Udham Singh's ashes to be taken to India for the purpose of interning the ashes with religious rights according to Sikh religion.

Thanking you in advance and expecting to hear from you soon.

Yours faithfully;
S.S. Jouhl.

(Sd.)
S.S. Jouhl

Royal Insignia (embossed)

H.M. Prison,
Pentonville,
August 6th, 1940

Re : Udham Singh

Dear Sir,

With reference to your letter of the 6th instant, relative to the above named, I have to inform you that the property belonging to this man has been forwarded to you under separate cover.

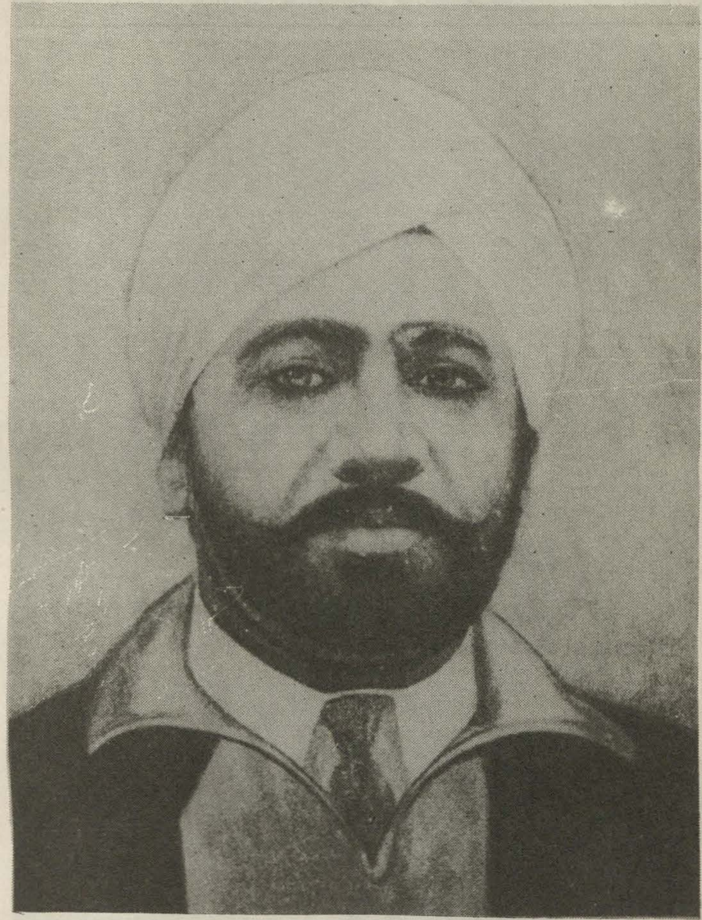
I regret that I cannot accede to your request for you to have the ashes of this man.

Yours faithfully,
H.P. Lambert
D/Governor

(Adress)

Mr. S.S. Jouhl

Mr. S. S. Jouhl,
79, Sinclair Rd:
London. W. 14



Shaheed S. Udham Singh
Ram Muhammad Singh Azad



Udham Singh, clean shaved, appearing in Court, charged with murder

CHAPTER XII

BRICK-BATS & PROTESTS

All India Moderates' Conference.

Sir Sivaswamy's Presidential Speech

The following is an extract from Sir P. S. Sivaswamy lyer's Presidential speech at the All-India Moderates' Conference :–

"I shall now pass on to a subject which has been engrossing the mind of the public even more than the subject of constitutionel reforms. The disturbances in the Punjab in April last and the measures taken by the authorities to deal with them attracted the keenest and most widespread interest at the time. While the acts of lawlessness committed by the mobs were duly published at the time, the public were not kept equally informed of the doings of the authorities and the nature and extent of the measures adopted by them in the restoration of order. The movements of people to and from the Punjab were prohibited or restricted. Accused persons were deprived of the services of counsel from outside the province. A rigorous censorship was exercised over the Press, and security was demanded from papers which had the temerity to publish accounts of the manner in which martial law was administered. Such information, however, as leaked out and was published sent a thrill of horror over the land. While all political organisations expressed their detestation of damage to life and property and communications and all the other outrages committed by the mobs and their approval of all measures reasonably necessary for the suppression of disorder, they felt it their duty to condemn the excesses of the authorities administering martial law and press for the prompt withdrawal of martial law. After a delay of several months, the promised

Committee of Enquiry has been appointed and the inquiry has been going on for two months. It is to be deeply regretted that the Government should not have seen their way to suspend the sentences of the leading citizens, who were convicted in Lahore and Amritsar, and enable them to be present when evidence affecting them was being given at the inquiry and to give instructions to counsel for the cross-examination of the witnesses. It is also unfortunate that for this reason the Congress Committee, to whose patriotic labour we owe an ungrudging tribute of praise, should have decided to withhold their assistance from the Committee and let in no evidence on behalf of the people. Notwithstanding these disadvantages, the evidence tendered by the government, and especially the evidence of the European officers who were charged with the duty of restoring order, has thrown a flood of light upon the administration of the Punjab during those eventful months. The disclosures now made have confirmed the worst suspicions of the public as to the ruthless and inexcusable barbarity of the administration and have created a feeling of intense indignation throughout the country. In view of the fact that the inquiry is not yet concluded, a considerable measure of reserve is called for in expressing an opinion, on the matters pending before them. It is neither possible, nor desirable at this stage to express any opinion as the cause of the disturbances or as to the necessity for the employment of military force or for the introduction of martial law; but the evidence of the European officers which has been already taken has made it abundantly clear that martial law was continued long after the necessity for it, if any, had ceased, that the means adopted by the military authorities to put them down were far in excess of the requirements of the situation and that the proceedings of the officers concerned were not guided by any considerations of common sense, humanity or decency. Whether the disturbances in the various localities amounted only to riots or rebellion is a matter which may be left for the present, to the decision of the Committee. It is well settled that necessity is the sole measure of the duration and extent of the force to be employed for putting

down an insurrection and restoring order; and that it is only when it is impossible for the ordinary courts of law to sit or enforce the execution of their judgments, that martial law can be indulged. There is nothing to show that except perhaps during the few days immediately, following the disturbances the ordinary civil courts could not sit.

Apart from any question of the legality of the Ordinance providing for the trial of offences by special or martial law tribunals, there was no moral justification for the continuance of martial law or for the continuance of the special tribunals after the disturbances had been put down. The fact that trial by courts-martial is bound to be quicker or would serve as an example of terror to others and help to keep them in due awe and obedience is no justification whatever for the establishment or continuance of Martial Law. It is also clear that the Martial Law officers had no right to treat contraventions of their own orders as offences, and proceed to try and punish people for infringement of their orders. Let us turn our eyes to some of the facts disclosed in the evidence of the principal European witnesses. The wholesale slaughter of hundreds of unarmed men at Jallianwala Bagh without giving the crowd an opportunity to disperse, the indifference of General Dyer to the condition of the hundreds who were wounded in the firing, the firing of machine guns into crowds who had dispersed and taken to their heels, the flogging of men in public, the order compelling thousands of students to walk 16 miles a day for roll-calls, the arrest and detention of 500 students and professors, the compelling of school children of 5 to 7 to attend on parade to salute the flag, the order imposing upon owners of property the responsibility for the safety of the Martial Law posters stuck on their properties, the flogging of marriage party, the censorship of mails, the closure of the Badshahi mosque for six weeks, the arrest and detention of people without any substantial reason and especially of people who had rendered services to the State in connection with the War Fund or otherwise, the flogging of six of the biggest boys in the Islamiah school simply because they happened to be

school boys and to be big boys, the construction of an open cage for the confinement of arrested persons, the invention of novel punishments like the crawling order, the skipping order and others unknown to any system of law, civil or military, the handcuffing and roping of persons and keeping them in open trucks for 15 hours, the use of aeroplanes and Lewis guns and the latest paraphernalia of scientific warfare against unarmed citizens, the taking of hostages and the confiscation and destruction of property for the purpose of securing the attendance of absentees, the handcuffing of Hindus and Muhammadans in pairs with the object of demonstrating the consequences of Hindu-Musalman unity, the cutting off of electric and water supplies from Indian houses, the removal of fans from Indian houses and giving them for use by Europeans, the commandeering of all vehicles owned by Indians and giving them to Europeans for use, the feverish disposal of cases with the object of forestalling the termination of martial law – are some of the many incidents of the administration of martial law, which created a reign of terror in the Punjab and have shocked the public.

It is a strange feature of the mental constitution of those military officers that they should have imagined that the steps they took were a remedy for the sullenness of the people and a means for promoting the popularity of the Government. We are naively told by General Sir William Beynon that instead of being unduly severe, the administration erred on the side of leniency, and that he and Sir Michael O'Dwyer approved of General Dyer's exploit. It is inconceivable that such things can ever happen under the name of martial law in England or even in Ireland. That they could have happened in India shows the ineptitude of the present system of government. It is obvious that the Government of India must have regarded the opposition to the Rowlatt Bill as a direct challenge to their authority and as a trial of strength between the people and the Government; and that having given the promise of support to the local authorities, they were prevented by panic and love of prestige

from listening to the representations of Indian leaders, or making any attempt to see things for themselves. It is no wonder that the hearts of our people have been stirred by these doings to their inmost depths. The indecent haste with which the Indemnity Bill was rushed through the Imperial Council is now intelligible. It will also be clear how well-founded the objection of the people was to the provisions of the Rowlatt Bills which entrust the liberties of the subject to the mercy of the executive.

We do not know what the findings of the Enquiry Committee may be; but if we may be allowed to voice the wishes of the people we should ask, (1) for reparation for all serious hardship and suffering caused by unwarranted acts of severity. (2) for steps being taken to bring to justice any officials, high or low, civil or military, who may be found to have acted unreasonably and in excess of their powers or authorised such acts, (3) for the provision of safeguards against the recurrence of such things in the future and (4) for the abolition of flogging in the Indian Army. Let us see what reasonable safeguards it is possible to suggest. One remedy which may perhaps be thought of is that in dealing with internal outbreaks the civil authorities should only invoke the aid of military forces, but should not allow the introduction of martial law. This suggestion raises a very large issue and in view of the incidents of the martial law regime in Ireland, Egypt, India and Ceylon may deserve consideration; but it seems to me doubtful whether it is likely to be entertained as a practical proposition. No enactment of any declaration of rights, as suggested by our friends in the Congress, can avert the possibility of the introduction of martial law; for, by the very nature of the case martial law is a creature of necessity and transcends all law. Martial law is a state of no law, where the will of the General who commands the army prevails; but if, as is only too likely, the abolition of martial law for the purpose of suppressing internal outbreaks is put aside as an impracticable suggestion, we are entitled to ask that the constitutional limitations to which its exercise and duration are

subject according to the opinion of eminent English jurists shall be authoritatively set forth either in a statute or in a memorandum of instructions to be issued to the Governor General. It should be made clear that martial law should not be introduced, unless it is impossible for the civil courts to sit and exercise their functions. It is further necessary that the power of creating new offences for breach of regulations and providing penalties therefor should not be delegated to Military Officers; and that if courts-martial and civil courts are both sitting, any person not subject to the Naval Discipline Act or to Military Law, who is alleged to be guilty of the contravention of any regulation should be allowed to claim to be tried by a Civil Court instead of by a Court-Martial.

The happenings in the Punjab have emphasised the necessity for providing that the Indian element in the Executive Council of the Viceroy shall be at least equal to the European element. They point to the urgent need for the cheapening and quickening of cable communications with England. They have also demonstrated the evil effects of a prolonged exodus to the hills, and the consequent isolation of the Government from the world of humanity beneath".

II–The Hon'ble Mr. Motilal Nehru's Address.

The following are some extracts from the Hon'ble Pandit Motilal Nehru's Presidential Address at the Amritsar Congress :–

"......Fellow delegates, you have assembled here in deep mourning over the cruel murder of hundreds of your brothers and in electing your president you have assigned to him the position of chief mourner. The position I accept in all reverence and I sincerely thank you for it.......

.... In India the first fruits of the peace were the Rowlatt Bills and Martial Law. It was not for this that the War was fought, it was not for this that many hundreds of thousands laid down their lives. Is it any wonder that the peace has

aroused no enthusiasm and that the vast majority of the people of India have refused to participate in the peace celebrations?

We must also do reverence to the sacred memory of the dead who were killed in Amritsar and elsewhere in the Punjab and to the living who were put to indignities worse even than death and suffered the most shameful barbarities. No monument in marble or bronze is needed to consecrate their memory. Our speeches here will be forgotten, the resolutions you pass may in the future have interest only for the historian, but India will never forget the sacrifice and the sufferings of these children of hers.

As I have already indicated, the Punjab has the right to claim the first attention of this Congress. But before I deal with the various problems which it presents for our consideration, I desire to congratulate you heartily, my fellow countrymen and women of the Punjab, and more specially those of Amritsar, for the courageous public spirit you have shown in holding the present session of your great National Assembly in this city. You resolved in happier times to invite the Congress to your Province, little dreaming of the dark days you were destined to go through before you were to realize your expectations. You lost no time in forming your Reception Committee and were cheerfully busying youself with your patriotic work when a great calamity suddenly descended upon you. You have borne this affliction, and at the same time have adhered to your resolve. Your spokesman at Delhi, who invited the Congress, lies in jail together with many of his colleagues. Yet you have not flinched or sought to cast aside the burden you had voluntarily undertaken. All honour to you for your devoted patriotism. All praise for your patient suffering.

India has suffered much at the hands of an alien and reactionary bureaucracy; but the Punjab has in that respect acquired a most uneviable notoriety. Competent observers have borne testimony to the spirit that has animated the

Punjab administration ever since it came under British rule. Sir Henry Cotton and Mr. Bernard Houghton, both eminent members of to India Civil Services have told us of the retrogressive and backward condition of the province and the militarist tendencies which hold sway there. Mr. Ramsay MacDonald in his book "The Awakening of India" says:—

> "It is generally conceded in India that the most imcompetent of the Governments is that of the Punjab. It takes its stand upon two foundation rocks, "Prestige" and "Sedition," the meaning of the former being that it can do what it likes, and of the latter that if any Indian questions its doings his house will be raided and he will be deported.............It has no notion of statesmanlike handling, no idea of political methods. The man in power simply uses his power whether it is in the form of a not too honest detective department or a not too discriminating executive or judiciary."

The proximity of the Punjab to the frontier has enabled its administrators time and again to enfore their will on successive Viceroys and Secretaries of State. The bogey of the frontier is exploited to the uttermost and the proposals made by the "man on the spot" seldom fail to secure acceptance at the hands of the higher authorities. With Delhi almost on the border and with Simla for its summer capital, the Government of the punjab has the additional advantage of having the ear of Veceroy; and it has thus come about that being the worst Government in India, it is the most favoured of all provincial administrations. Public life is not likely to thrive under these conditions and it is no wonder that for long there was no marked growth of political ideas in the Punjab.

In order to appreciate the causes which ultimately led to the catastrophe of April last and its sequel, it is desirable to consider briefly the forces which have been at work ever since the first pulsations of public life began to be noticed by the authorities. Before 1905 there was practically no

public life in the Punjab, but the stupendous blunder of Lord Curzon in affecting the partition of Bengal in the face of a nation's resentment not only convulsed the affected province but sent a thrill of excitement and discontent throughout the country, which could not fail to arouse public activity in the Punjab. The introduction of the Colonization Bill in the local Legislative Council shortly after brought trouble to the very doors of the people. By this bill it was intended to curtail the valuable vested rights of the so called colonists, and to deprive them of the fruits of their labour which had converted the desolate wilds around Lyallpur into a smiling garden. A strong agitation followed and this was dealt with by the usual policy of repression. About this time, the editor and proprietor of the "Panjabee" newspaper were convicted. Shortly after the Colonization Bill was passed by the local Council. But these measures failed to put down the agitation which was continued with redoubled energy. The more excitable among the people came into conflict with the police, and there were riots in Lahore and Rawalpindi in April, 1907. Against the arrest and trial of the actual rioters no sensible person can have any thing to say; but there was no justification for the arrest of Lala Hansraj Sawhney and some other leading public men, as was shown at their trial. Even less excusable was the deportation without trial of Lala Lajpat Rai and Ajit Singh. The policy of the Punjab Government in those days, and handed down as a legacy to succeeding Lieutenant-Governors, was to shut their eyes to their own reactionary administration and keep the Government of India and the Secretary of State in ignorance of the real causes of the disturbances by supplying them with coloured accounts and fixing responsibility for their own lapses on the poor "agitator." Be it said however to the credit of Lord Minto, that he refused to assent to the unjust law passed by the Punjab Council. But there was no lack of other weapons of repression in the already over-stocked armoury of the Punjab Government; and these continued to be freely used during the years 1907 to 1909. The methods adopted were the suppression of the Press and the prosectuion of individuals unacceptable

to the Government. Needless to say, the young sapling could not weather the continuous storm it was subjected to and there was little manifestation of public life in the Punjab during the years 1910 to 1913.

But repression and terrorism have never yet killed the life of a nation; they but increase the disaffection and drive it underground to pursue an unhealthy course, breathing out occasionally into crimes of violence. And this brings further repression and so the vicious circle goes on. No one can but deplore violence and political crime. But let us not forget that this is the direct outcome of continued repression. It is due to the perversity of the executive which blinds itself to the causes of the discontent and like a mad. bull, goes about attacking all who dare to stand up against it.

Sir Denzil Ibbetson, the Lieutenant-Governor of the Punjab, during the troublous days of 1907, was not slow to perceive the "new air which was blowing through men's minds," but instead of adjusting his sails to this "new air" he chose to steer his course right against," He, as well as his successer, followed the broad and easy path of piling repression on repression in accordance with the hallowed traditions of the Punjab Administration.

This was the state of the Punjab, when her destinies were placed in the hands of Sir Michael O'Dwyer. It was a splendid opportunity for a broadminded and generous hearted statesman to strengthen the foundations of the Empire by doing the barest justice to the natural aspirations of a people, to whom the Empire owed to much. How Sir Michael acquitted himself of this high trust every Indian knows.

During the early days of Sir Michael O'Dwyer's rule occurred the *Komagata Maru* incident. The unfortunate men who had left their homes in a spirit of peaceful enterprise, many not wishing to return to India at all, found every

door shut in their faces and were forced to return. The reception prepared for them by the Government of India, presumably at the instance of the Punjab Government, was the passing of the Ingress into India Ordinance, which empowered the Government to restrict the liberty of any person entering India. On landing in India they found themselves prisoners and, broken down as they were by the consistent ill-treatment thev had received at home and aabroad they completely lost their heads and riots ensued.

Nor was the abuse of law confined only to bad livelihood cases. The following passage occurs in the judgment of the Session Judge of Karnal setting aside the convictions of the appellants by the District Magistrate :–

"The various orders passed by the District Magistrate from time to time clearly show that if these appellants had also supplied recruits from among their near relations or if they were fit for enlistment themselves they would have been let off, provided 20 recruits were made up from the village as was originally demanded from it."

Similar methods were employed to swell the provincial contributions to the war loan. It will be interesting to prepare statistics to show how many subscribers found it necessary to transfer their war bonds at heavy discount soon after their subscriptions were announced. One of the favourite methods to deal with those who did not satisfy the authorities with their war effort either in supplying recruits or contributing to the war loan was to enhance their incom-tax. The following short extracts from the judgments of Collectors, rejecting objections to the enhancement, will be instructive:–

"He (the objector) has three sons and will not enlist one of them. He has not subscribed to any war fund or war loan although he could easily do so."

"Up to date he has not helped even by a single pice in any war fund or loan."

"He is a miser and has not helped with a single pie in any war fund or loan."

The inevitable result of the systematic oppression, the main features of which I have described, was to spread serious discontent throughout the province and it is not surprising that the pent-up feelings of the people occasionally found vent in the commission of serious offences. We have it on record that a Tehsildar in the Shahpur District was murdered and some of his companions sustained grievous hurt. In the same district, a mob offered resistance to the arrest of some men on a charge of dissuading people from enlistment with the result that it was fired upon and several casualties occurred.

In a recent speech made in Multan, Sir Michael O'Dwyer expressed the lament that "those who worked in organising recruiting for the division have had a most arduous task; they have had to contend against apathy, timidity, and even with open hostility which in some cases unfortunately culminated into riot, bloodshed, and defiance of authority in Multan and Muzaffargarh."

Mr. Montagu in his last speech on the Indian budget remarked :—

"Recruiting for the army has gone on in parts particularly affected by those disturbances with such zeal and enthusiasm that I think there is reason to believe that many a family was left without its bread-winner".

Did Mr. Montagu sufficiently realize the inwardness of the "zeal and enthusiasm" he referred to or the extent to which it was carried? The "unauthorised, objectionable and oppressive methods" employed by zaildars and lambardars under pressure of the authorities are described in the judgment of the Sessions Judge of Multan as "matters of common knowledge" It is evident that this "common knowledge" did not travel beyond the seas to England or we

should have found some indication of it in Mr. Montagu's speech.

What I have so far said applies to all classes affected by recruiting and war loan activities, and concerns mainly "the man on the sod, and the man behind the plough" for whom the late Lieutenant Governor professed the warmest sympathy and solicitude. Let us now turn to another class of people for whom he neverexhibitedany feelings other than those of unqualified hatred and contempt–I mean the people known as the educated classes in general and the politically minded section of them in particular. I have already shown that public life was all but dead in the Punjab some years before Sir Michael O'Dwyer appeared on the scene. It showed some signs of revival on his assuming charge of the province, but was again put down by his masterful repression. There were, however, world forces at work which even the strongest man could not resist, and the people of the Punjab whose "manliness, sanity and practical commonsense" the then Lieutenant Governor was never tired of extolling for his own purposes could not remain unaffected. The famous memorandum of the nineteen members of the Indian Council, the Congress-League Scheme of Constitutional Reforms, the historical announcement of the 20th August, 1917, the visit to India of Mr. Montagu himself and the publication of the Montagu-Chelmsford Report all came in quick succession to the utter bewilderment of Sir Michael O'Dwyer He saw Congress Committees spring up in important centres, and heard the whole province ring with the echoes of speeches made at public meetings and conferences in the course of which his administration was freely criticised. Early in his career as Lieutenant-Governor, he had conceived an immense admiration for himself and his administration and so long as it was open to him, he suppressed all talk of the slightest change or improvement. When that was made impossible by the announcement of the 20th August and the developments which followed it, he made highly offensive and provocative speeches in his own and the Viceroy's Council which served the only purpose of adding to the

bitterness of feeling on both sides. Up to the end of 1918 constitutional reforms were the all-absorbing topic at almost all public meetings and he could not well interfere with them. But early in 1919 came a terrible visitation in the shape of the Rowlatt Legislation, which set a tremendous wave of agitation rolling in the country from one end to the other. It swept through the Punjab with the same volume and force as through other parts of India, and gave Sir Michael O'Dwyer the opportunity he sought. The people were no longer offering criticism which was invited by the Government, but had engaged themselves in a strong agitation against a set policy which the Government had made up its mind to carry out at all cost. This made all the difference with him; and with the convenient bogey of the frontier to trot out in case of need, he prepared himself to deal the last effective blow.

Martial Law, and After.

The events which followed must be fresh in your memory. Martial Law was enforced and for long the Punjab was almost cut off from the rest of the world. The truth was hidden from us and we had to rely on the one-sided accounts presented by Government for our benefit. Outsiders were not permitted to enter the charmed area, even Mr. Andrews being turned out of the province. Within a few days of the declaration of Martial Law, the All India Congress Committee demanded a full and impartial enquiry, and a little later appointed a Sub-Committee to conduct an enquiry. This Sub-Committee laboured for months and collected a great deal of evidence. It was hoped to present this evidence to the official committee which had been announced.

Lord Hunter's Committee.

The appointment by the Government of India of Lord Hunter's Committee was most disappoininting; but we waived our substantial objections to it and decided to cooperate, provided only full facilities were given to us to represent the people's case. At the earliest possible oppor-

tunity, we urged upon the Government that the presence of the Punjabee leaders, who were in jail, was necessary and we were led to believe that our requests were being favourably considered by them. We refrained from going to the Press, in order to avoid embarrassing the Government and waited patiently for their answer. That answer came on the eve of the Hunter Committee's arrival in Lahore. You must have seen the correspondence subsequent to this and our Sub-Committee's statement which have already appeared in the papers and I can add but little. I would only point out to you that we tried to meet the Government as much as possible. We modified our original request for the release of all the leaders during the enquiry and agreed to the presence of only one or two of them at a time in custody before Lord Hunter's Committee, while evidence relating to them was being given. That was all we wanted and which the Government finally refused to give us. It was not an extravagant request. Even criminals have a time in custody before Lord Hunter's Committee , while evidence relating to them was being given. That was all we wanted and which the Government finally refused to give us. It was not an extravagant request. Even criminals have a right to be present in court during their trial. The Punjab leaders are not being tried in the technical sense but their actions are being judged; they are being attacked by official witnesses and much of the blame and responsibility for the disturbances is being cast on them. Yet they were not allowed the privilege of the meanest criminal, although the officials of Government, who are as much on their trial and have at least as much to answer for, have had the fullest opportunities of appearing before the Committee and conducting their case. Some of these officials have even been allowed the advantage of giving their evidence in camera. After the most anxious consideration, the Sub-Committee came to the conclusion that "if it was to discharge the trust laid upon it, if it was to vindicate the national honour of the great Punjab leaders, if it was to see truth and innocence established, it could not possibly engage in an enquiry, in which the prople's party was so heavily handicapped."

I feel confident that you will approve of and endorse the action your Sub-Committee took, and trust to its judment in taking all necessary steps to obtain justice.

Meanwhile, Lord Hunter's Committee has pursued the even tenor of its way, roused occasionally by some particularly callous official admission. Their findings can but be *ex parte* decisions based on the evidence of one party only. The other side of the shield will be presented to you by the Commissioners appointed by your Sub-Committee, who have strenuously laboured to collect and sift the evidence for the people. I do not overlook the fact that the proceedings of your Commissioners are in the legal sense as *ex parte* as those of Lord Hunter's Committee. There is, however, this to be said that your Commissioners have the additional advantage of considering the evidence given before the Hunter Committee. They have for good reasons deferred publishing their report and the evidence on which it will be based; and this Congress will not have the advantage of having their considered opinion on the Punjab occurrences before it. This has also considerably handicapped me, as in the absence of your Commissioners' report, it is somewhat difficult for me to deal with some aspects of Martial Law.

But whatever findings the Commissioners appointed by the Congress Sub-Committee might have arrived at the the central facts of the recent tragic events have now become so crystallised as to enable us to form an adequate idea of the true nature of the horrors through which the Punjab has just passed. These central facts are now matters of common knowledge and emerge clearly above the few controversial points, which we may safely leave to our Commissioners. What we in this Congress are concerned with is not so much the fixing of individual responsibility for particular acts as the ascertainment of the spirit which runs through them all. I shall now, by your leave, touch on some of the main incidents and broad features of the occurrences which clearly indicate the spirit with which the people on the one side and the administration on the other were actuated.

Amritsar

I shall take the case of Amritsar, which stands out more prominently than any other, as affording in itself a complete illustration of the spirit on either side.

The people of Amritsar observed the 6th of April in the true *Satyagraha* spirit. So they did also on the 9th April, the Ram Naumi day, and Muhammadans gladly and eagerly joined their Hindu brethern in celebrating the festival. There was no violence, no threats, and the processionists played the English National Anthem in honour of the Deputy Commissioner. That showed the psychology of the people of Amritsar on that Ram Naumi day,–Hindus and Moslems observing the festival together, and both joining to do honour to the King Emperor. The next few hours brought a strange transformation. The Bazaars were filled with mourning and the crowds that had rejoiced the night before, discarded their turbans and shoes in sorrow, for they heard that two of their loved leaders had been suddenly deported. And, after the old Indian fashion, they went unarmed and bare-headed towards the Deputy Commissioner's house to pray for the release of their leaders.They were fired at, some were killed and a number wounded. But I shall not here deal with the circumstances of or the necessity for this firing. Again, the temper of the crowd changed; and as is the way with crowds, it rapidly went to the other extreme. The passion for vegeance took possession of it and some parts of the mob committed those excesses for which we Indians cannot but hang our heads in shame. Whatever the treatment they had been subjected to, whatever the provocation offered, nothing can justify the murders which they committed, the shameful assault which they perpetrated on a defenceless woman, the arson and plunder of which they were guilty.

Yet again, the mood changed. After two or three hours of madness, the people, or rather such of them as had been guilty of the outrages, recovered control of themselves.

They saw the folly of their doings and, without the intervention of the police or military, of themselves stopped the destruction.

Such was the bahaviour of the people of this city on those fateful days. The psychology of a crowd is a difficult thing to fathom; but I cannot but think that the history of those days would have been differently written if an attempt had been made to appreciate the view-point of the people.

Let us now consider some of the doings of the officials and the spirit which actuated them. They did not appreciate the inner significance of *Satyagraha* or the *hartal*. To them it was all a vast conspiracy, the forerunner of a second mutiny. They did not care to see what troubled the people, they did not search for the causes of this mighty movement. They looked upon the closing of shops and the meetings and the demonstrations as a personal insult to them. Even the fraternisation of Hindus and Moslems was anathema, an act in the great conspiracy. We all knew what it is in this country for a body of men to walk bare-headed and bare-footed. It is the sign of deep grief, a token of a great calamity. But our rulers neither understand nor care to study the feelings and emotions of those whom they look upon as a subject race. In his evidence before Lord Hunter's Committee, Mr. Miles Irving, who was Deputy Commissioner of Amritsar at the time, was asked about the people who were proceeding to his house on the 10th: He stated:

> "Yes, they were coming to my house, I understood. They were coming not to make any ordinary protest. When people come, they come properly clad, but these men had put off their *pugrees* and shoes and they intended violence.
>
> *Question.*—It might have been the sign of mourning?
>
> *Answer.*—If it was mourning, it was violent mourning."

So, Mr. Miles Irving, after a life-time spent in the Indian Civil Service, thinks that the taking off of turbans and

shoes in a sign of coming violence. Ignorance of the habits of a people is never excusable in one whose duty it is to govern them; it becomes criminal when it leads to grave consequences.

The sudden deportation of Drs. Kitchlew and Satya pal was a typical act of our administrators. Having convinced themselves that there was revolution in the air, that conspiracies were being hatched, that the wonderful calm of the 6th and 9th of April hid strange currents underneath, they took the only step which appeals to the mind of a bureaucrat. They knew that this would greatly upset the people, they knew that there might be trouble.but what matter? Could they not crush them with the "ample resources" at their disposal? It did not strike them that the people could be reasoned with or could be conciliated. Nor did they think of having recourse to the ordinary law courts of the country. They do not believe in the intricacies or the delays of the law They believe in making themselves the judges, and meting out swift and stern justice to their opponents.

The Jallianwala Bagh

But saddest and most revealing of all was the great tragedy which occurred here on the Vaisakhi day. No Indian and no true Englishman can hear the story of the Khuni Bagh, as it is now aptly called, without a sickening feeling of horror. Our friend, Mr. C. F. Andrews, to whom this province and our country is so much indebted, has described it "as a cold and calculated massacre" He says, "I have gone into every single detail with all the care and thoroughness that a personal investigation could command and it remains to me an unspeakable disgrace, indefensible, unpardonable inexcusable." Such is the verdict of an Englishman What words, fellow delegates can I use to express your feelings and mine whose kith and kin were mercilessly shot down by the hundreds in cold blood?

The facts of this incident are before you, they have

largely been admitted by the authorites. But I am not aware of any condemnation from the authorities, I do not know of any high official who has protested against this grim occurrence. That is a revelation of official mentality which staggers me. General Dyer, the author of the deed, has almost boasted of his achievement. He has sought to justify it. To him it was a "merciful act" to fire without warning on an inoffensive crowd because it might have made fun of him if he had refrained from doing so. He admits that he could have dispersed it without firing, but that would have been derogatory to his dignity as a defender of law and order. And so, in order to maintain his self-respect, he thought it his duty to fire and fire well" till his ammunition was exhausted and 2,000 persons lay dead and wounded. There ended his duty. It was none of his business, he tells us,to look after the dead and wounded. It was no one's business. The defenders of law and order had won a great victory; they had crushed the great rebellion. What more was needed ?

This is the deed which received the benedictions of Sir Michael O'Dwyer. This is the deed, which has been defended by official after official before Lord Hunter's Committee. The plea of necessity is raised; the plea that the massacre produced a good effect on the surrounding districts. We have heard of these excesses before, when Louvain was razed to the ground, when atrocities were committed at Dinant and Termonde. For these crimes against humanity, the late Kaiser and his underlings are going to be tried. But General Dyer is secure. His late chief has blessed him and his colleagues in the civil and military administration of this country stand by him and applaud his deed.

Crawling

The shooting in the Jallianwala Bagh was not the only feat which General Dyer performed. His subsequent conduct was no less revealing of his perverted state of mind. He tells us that he "searched his brain" for a new punishment, a new terror for the people–something, as General Hudson put it in the Imperial Council, to "strike the imagination."

And the punishment that was devised did credit to genl. Dyer's ingenuity and ferosity. It was worthy of the days of the Inquisition. All Indians who happened to pass through a certain lane were forced to crawl on their bellies like worms. This was the punishment meted out to all innocent and peaceful men who went that way, because some hooligans had attacked Miss Sherwood in the lane some days before. No better method could have been devised to humble the people to the dust.

Of the other measures taken in Amritsar by General Dyer–the flogging in public places, the enforced salaaming, the cruel treatment of the best and most respected citizens–I shall not say much. They all tell the same tale of brutal terrorism, the attempt to crush the spirit of the people.

Lahore.

General Dyer was not the only apostle of this cult. There were many others, who tried to rival his exploits in the other districts under Martial Law. Lt. Col. Frank Johnson, the expert from Bechuanaland, pursued the policy of "thoroughness" in the Lahore area. A "false and malicious" rumour that the Government intended to interfere with the marriage customs of the people was contradicated by an official *communique* from Simla, and the contradiction was given due publicity. The rumour was set down as a base lie; and a Mohammadan marriage was arranged in a village not far from Lahore. It so happened that the whole marriage party, including the bridegroom, the priests and the guests were flogged for having dared to assemble together during the Martial Law days Col. Johnson has now been pleased to express his regret for this flogging and to tell us that it was due to the absence of tact in the official concerned. He himself exercised this "blessed virtue" by arresting 500 students and the professors of the Sanatan Dharma College and confining them in the fort, because a Martial Law notice was damaged by some unknown person. He welcomed the opportunity of doing so: he "was looking for it." He tells us that he was waiting for an

opportunity to bring home to the people the power of Martial Law. To him a walk of 16 miles daily for the students for three weeks in the scorching Lahore sun of April and May was no hardship. It was "ordinary physical training of a mild form" But perhaps the most noticeable example of the tact and mentality of Col. Johnson was his order prohibiting more than two Indians from walking abreast. He tells us :–

"If more than two natives come and do not give way to a European, that is likely to lead to breach of the peace."

Question.–Who would commit the breach of the peace, the European?

Answer.–Undoubtedly.

Question.–You think he would be justified in doing so?

Answer.–Certaintly.

And yet we are told of equal partnership in the Empire, and are asked to rejoice over the peace which has given this to us!

Gujranwala

In Gujranwala Col. O'Brien held sway, serene in the knowledge that he could do what he wished without let or hindrance prior to Martial Law, that his actions would be subsequently validated. This simple fact furnishes a more illuuminating commentary on the new Indemnity Act, than all the learned arguments of Sir George Lowndes in the Imperial Council. We can now understand the whole-hearted support given to the measure by the Hon'ble the Chief Secretary to the Punjab Government and appreciate the wisdom of the provision in the Act, which throws on the complainant the burden of proving want of good faith in the accused official when he is armed with certificate from a Secretary to the Government.

One of the steps taken by Col. O'Brien on the assurance of the Chief Secretary was to arrest Gauhar Singh, a lambardar, aged 60 years. Col. O'Brien. states : "Gauhar Singh himself had committed no offence, but his two sons were wanted by the police and they were not forthcoming; and that was why their old father was arrested. He told us that he did not know where his sons had gone. An order was also passed confiscating his property. The order stated that until the arrest of Gauhar Singh's sons his property would be confiscated, that he be dismissed from the post of lambardar, and any one touching his property or cutting his crops would be shot." No comment from me is necessary.

In Gujranwala, as you are all aware, the gentle art of bombing from aeroplanes was practised, a bomb being actually dropped on a school boarding-house full of boys. The manner in which bombs were dropped may be gathered from Lt. Dodkin's statement. He says : "I saw twenty or 30 people in a field talking to one another and dropped bombs on them. I did not know who they were, whether they had assembled for an unlawful purpose, but I bombed as my orders were to disperse crowds."

Another part of this district has come to be known as the Bosworth Smith area in memory of the horrors it underwent under the rule of a member of the Indian Civil Service, who for years past was in disgrace with the Punjab Government but was selected as specially qualified to administer Martial Law justice, and has since been rewarded by promotion.

Kasur

In Kasur Capt Doveton evolved fancy and novel punishments for the people; and sought to teach them how to observe the ancient customs of India by touching the ground with their foreheads. He also had men stripped and flogged in the presence of prostitutes. His brother officer Lt. Col Macrae meanwhile amused himself by having school boys

flogged in public, in order to set an example to all evil doers The bigger boys were picked out at random perhaps because they could bear the whipping better. They were not guilty of any offence. "It was their misfortune", Col. Macrae tells us: and I take it that the punishment he awarded was in good faith". All the male inhabitants, boys and men, ten thousand in number, had to present themselves for the identification parade. The men arrested, 150 in number, were put in a cage placed on the station platform, and a public gallows was erected, entirely at the instance of the Punjab Government, before any one was tried or sentenced to death— so Col. Macrae informs us:

Hindu-Muslim Unity

Besides the attempt to terrorize the people the Punjab officials aimed a blow at the most valuable asset of our political life the union between Hindus and Mohammadans. You are aware, fellow delegates, of the public scenes of fraternization between Hindus and Muslims which took place during the recent disturbances at Delhi, Lahore and other places accompanied with shouts of Hindu Musalman Ki jai. These expressions of fellowship in a common trouble were treated by the Punjab officials as heinous crimes amounting to open rebellion and waging war against the King and a new offence was created which was defined as "fraternization of Hindus and Mohammadans against the Government by law established" One of the most shameful acts of the Martial Law authorities was to ridicule the Hindu-Muslim unity publically in various ways. The admission of Hindus to the Mohammadan mosques and of Mohammadans to the Hindus temples, the drinking of water or *sherbet* from out of the same glass by Hindus and Mohammadans were unmistakable signs of a far deeper union of the two than could be looked upon with quanimity by those who were interested in keeping them apart. And an attempt was made under official inspiration during the closing days of Martial Law to found separate political associations or *Sabhas* for Hindus Moham-

madans and Sikhs. I do not know what progress has been made in this direction, but I trust that my fellow countrymen of all communities will refrain from swallowing this fatal bait.

I have referred you, fellow delegates, to a very few of the admitted facts. It is not possible for me here to go into all the harrowing details of the numerous atrocities committed in the name of law and order. For these you will have to wait for the report of your Commissioners and the evidence they are collecting. Meanwhile I would beg of you to read carefully the evidence which has been tendered before Lord Hunter's Committee. I would request you to note the overbearing attitude of the official witnesses and their arrogance to the Indian members of the Committee. That will give you a greater insight into the official mind than any words of mine can convey. That will give you some idea of what our brethern in the Punjab have had to go through. And I would have you remember that these were the officers who presided over the Martial Law Summary Courts, who dispensed justice and inflicted heavy punishments and floggings.

Necessity for Martial Law

The question of the necessity or otherwise of the application of Martial Law to the situation which arose in April last is a question on which also we must await the considered opinion of our Commissioners on all the evidence taken by them and that tendered before Lord Hunter's Committee. The Government case has been put as high as it possibly could be before the latter, so far as the opinion of the authorities as to the real nature of the disturbances, and their apprehensions at the time as to what they might eventually lead to, are concerned. The point is whether their opinion and apprehensions were based on facts or were the result of panic. I shall abstain from embarrassing either our own Commissioners or Lord Hunter's Committee by offering at this stage any definite opinion of my own for your acceptance.

But I think I am fully within my rights in pointing out that the question is not so much whether there was necessity for the application of Martial Law at any time as whether it was necessary when it was actually applied. It may be that Martial Law could be justified if it had been introduced at the time when the disturbances were actually going on, but it is an admitted fact that it was not so applied. What was done was to call on the military to help the civil administration, which is well within the discretion of every magistrate under our Criminal Law. but is very different from Martial Law. Whether or not it was necessary to hand over the entire civil administration to the military on the dates on which the Martial Law Ordinances and notifications relating to each district were issued is the next question before your Commissioners as well as Lord Hunter's Committee. I shall content myself with laying before you the official view. Mr Kitchin, the Commissioner of Lahore Division, has stated that Martial Law was not wanted for the purpose of recovering control but in order to prevent the spread of infection, and specially for the speedy trial of the numerous persons who had been arrested. Mr. Miles Irving tells us that the necessity for the continuance of Martial Law did not depend on anything that happened in his district. It depended on outside factors, on the situation on the frontier. General Dyer tells us that the city of Amritsar was a "model of law and order" after the 13th April.

Whatever the finding of your Commissioners and Lord Hunter's Committee as to the initial necessity for Martial Law may be, there is not the slightest doubt, on the admissions made by the official witnesses before Lord Hunter's Committee, that there was absolutely no justification for keeping it in force for the unconscionable length of time during which its horrors continued to be perpetrated. Admittedly it was not required to maintain law and order and the only justification pleaded. besides the old story of the dangers arising from the proximity of the fronier, is that it enabled the offenders to be brought to speedy justice. But the Government had ample powers under the statute law to

constitute special tribunals for the trial of offenders and these would not have taken much longer to dispose of the cases than the Martial Commissions and Summary Courts did. The only difference would have been that people would have been saved the sufferings and indignities to which they were subjected under cover of Martial Law and that the accused wuld have had the advantage of defending themselves by counsel of their choice. The trend of the whole official evidence before Lord Hunter's Committee is that Martial Law was not required to meet the immediate necessities of the administration but merely for the purpose of striking terror into the hearts of the people, so as to avoid possible trouble in the future. I am, of course, not aware what secrets of state have been imparted to the Hunter Committee in camera by the Chief Secretary to the Punjab Government and General Hudson . But so far as the open proceedings before the Committee go, I can affirm with confidence that it was a gross abuse of Martial Law for which all concerned are liable to answer.

Martial Law Cases

I do not intend discussing any of the hundereds of cases disposed of by the Martial Law Commissions and the Summary and Area Courts. They have caused the greatest misery to the people; the suffering which endures. Hundreds still lie in jail, many for having done what no honest man need be ashamed of. You will have some idea of the sentences inflicted, when I tell you that 108 persons were sentenced to death and the aggregate sentences of imprisonment amounted to the stupendous total of 7371 years and 5 months (allowing 20 years for a sentence of transportation for life). The figures for whipping, forfeitures, fines and impositions on villages and towns are not yet fully available. Those I have given for imprisonments have been compiled from the official statements presented to the Imperial Council. I am told that even these figures are incomplete and that the official statements do not contain many cases. Many of these sentences have been largely reduced by the present Lieute-

nant Governor. Clemency has been shown, where justice was needed. Injustice cannot be tempered with mercy. Sir Edward Maclagan is a kindly gentleman, who has tried to mitigate the rigours of his predecessor's regime; but he has not had the courage or the wisdom to break through the evil traditions he has inherited.

Sir Michael O'Dwyer's Responsibility

Such, in briefest outline, is the story of the Punjab. The responsibility of Sir Michael O'Dwyer for much that occurred here is admitted and established beyond doubt. I have endeavoured to show you the whole trend of his administration. It would appear that he was striving to make the Punjab a kind of Ulster in relation to the rest of India, a bulwark of reaction against all reform. "We now seem to be drifting into what is known as Birrellism in Ireland," he complained, "truckling to the extremists, encouraging the idea that we are going to hand over the administration to them." And even in his memorandum on the reforms he could not help lamenating that the Punjab politicians, "hitherto quiescent, were encouraged to assert themselves, and to come into line with other Provinces." To him there was little difference between a constitutional agitator and an anarchist. For both he had the same remedy–repression. But the remedy failed him and but increased the disease. And then he played his master card and brought in Martial Law to kill once for all the breed that agitates. He has failed again in his endeavour, but his policy has resulted in death for many and in utmost misery for thousands. For that he is fully responsible. He is responsible for the actions of General Dyer and his military colleagues in Amritsar; he is also responsible for the doings of his subordinates in the other districts under Martial Law.

Lord Chelmsford's Responsibility

But what shall we say of Lord Chelmsford? He must have known, or ought to have known, what was happening

in the Punjab. The Congress Committee repeatedly drew his attention to it. Did he seek to interfere or cut short the agony? Has he received or considered any representation from this afflicted province presented to him from any sources which are not strictly official? Has he shown us any sympathy? Has he even been into the heart of the province to acquaint himself by personal enquiry on the spot concerning the tragedies which have taken place? We have not even heard that his "heart has bled for Amritsar". Lord Chelmsford occupies a very exalted position. He has received that position at the hands of his King and as a trust from the English people. How has he served his King and fulfilled this trust? Has he faithfully and adequately discharged his duty to his King and to his fellow countrymen by his persistent refusal to listen or to interfere, by his aloofness and by his absence from the scene of these happenings, when hundreds of His Majesty's subjects were done to death by the military and thousands put to shameful indignity ?

Englishmen are, I believe, proud of the justice of British rule and zealous of their reputation. May I not ask them to consider whether Lord Chelmsford has shown himself an active guardian of their honour and worthy of the trust which they had reposed in him? Indians seek justice at the hands of the British Democracy. Will they tolerate this "frightfulness" in India and shield the authors of it? That is the acid test of British policy in India. On the answer to that depends the future goodwill of the Indian people.

The Lesson of the Punjab

Fellow delegates, I have ventured to trespass on your time to a considerable extent in dealing with the Punjab and the other matters which have acquired a special significance on account of the recent disturbances. Much has of late been said and written about the Punjab, much still remains. But the lessons which the crowded events of the year have to teach us and the English people are clear. To us they point to the path of steadfast endeavour, the path of

sacrifice and patient ordeal. That is the only way to reach our goal. To Englishmen they teach the oft-repeated truth that tyranny degrades those who exercise it as much as those who suffer under it. And so it is that England of old the champion of liberty, assumes a different guise in parts of her own dominions. England went to war to fight for the freedom of small nationalities, and yet a big nation under her sway continues to be un-free. In Belgium the German doings were condemned, but in India we still have the pure milk of Prussianism. And the man governed by the Prussian idea is much the same whether he is in the west or in the east. The logic of force is the only argument which appeals to him; military necessity justifies all severities. The object is always to sacrifice and patient ordeal. That is the only way to reach our goal, to Englishmen strike terror and an act however "frightful" appears to him "merciful". Ordinary morality and humanity do not influence him and cruelty itself becomes laudable. It is for England to learn the lesson and put an end to conditions which permit these occurrences in her own dominions. If our lives and honour are to remain at the mercy of an irresponsible executive and military, if the ordinary rights of human beings are denied to us, then all talk of reform is a mockery. Constitutional reform without free citizenship is like rich attire on a dead body. Better to breathe God's free air in rags than be a corpose in the finest raiment.

III–Sir Rabindranath Tagore's Protest.

The following letter was sent by Sir Robindranath Tagore to his Excellency the Viceroy.

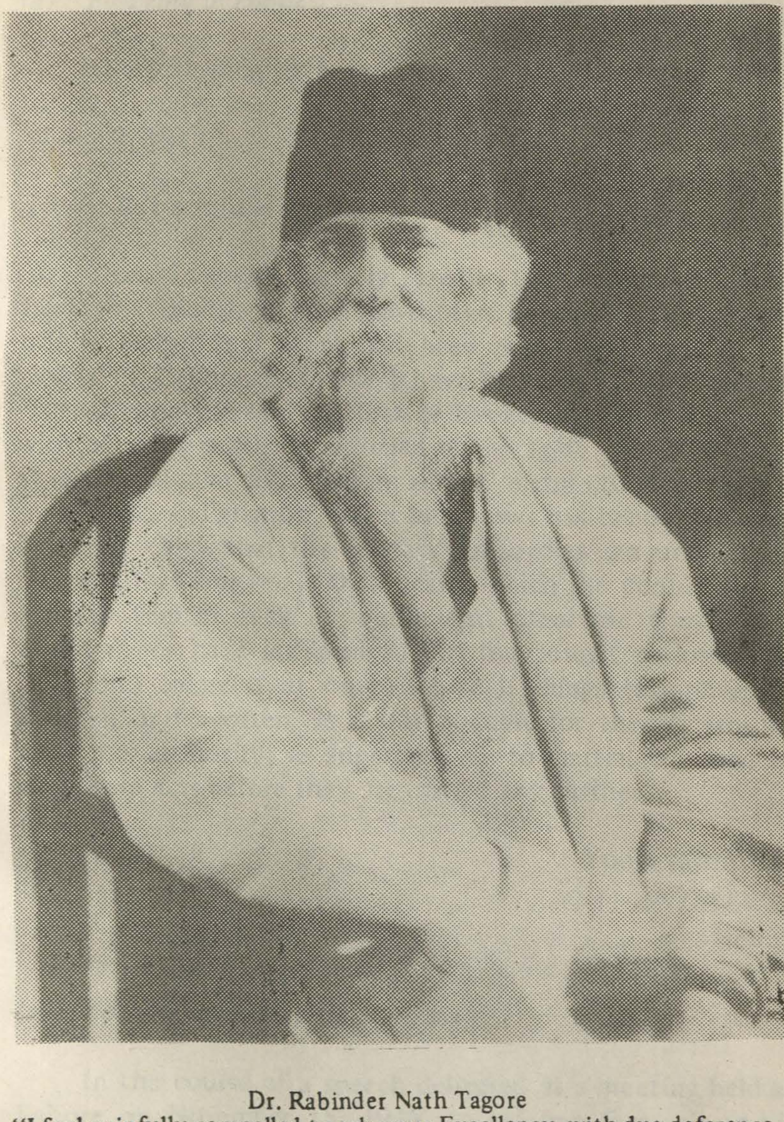
"Your Excellency,

"The enormity of the measures taken by the Government of Punajb for quelling some local disturbances has, with a rude shock, revealed to our minds the helplessness of our position as British subjects in India. The disproportionate severity of the punishment inflicted upon the unfortunate people and the methods of carrying them out, we are convinced, are without parallel in the history of civilised Governments, barring some conspicuous exceptions, recent and remote. Considering that such treatment has been meted out to a population disarmed and resourceless, by a power which has the most terribly efficient organisation for destruction of human lives, we must strongly assert that it can claim no political expediency, far less moral justification. The accounts of insults and sufferings undergone by our brothers in the Punjab have trickled through the gagged silence, reaching every corner of India, and the universal agony of indignation roused in the hearts of our people has been ignored by our rulers,–possibly congratulating themselves for imparting, what they imagine as salutary lessons. This callousness has been praised by most of the Anglo-Indian papers, which have in some cases gone to the brutal length of making fun of our sufferings, without receiving the least check from the same authority, relentlessly careful in smothering every cry of pain and expression of judgment from the organs representing the sufferers. Knowing that our appeals have been in vain and that the passion of vengeance is blinding the noble vision of statesmanship in our Government, which could so easily afford to be magnanimous as

befitting its physical strength and moral tradition, the very least that I can do for my country is to take all consequences upon myself in giving voice to the protest of the millions of my countrymen, surprised into a dumb anguish of terror. The time has come when badges of honour make our shame glaring in their incongruous context of humiliation, and I for my part wish to stand shorn of all special distinctions, by the side of those of my countrymen who, for their so-called insignificance, are liable to suffer a degradation not fit for human beings. And these are the reasons which have painfully compelled me to ask Your Excellency, with due deference and regret, to release me of my title of knighthood, which I had the honour to accept from His Majesty the King at the hands of your predecessor, for whose nobleness of heart I still entertain great admiration."

"Yours faithfully.

"RABINDRANATH TAGORE."



Dr. Rabinder Nath Tagore
"I feel painfully compelled to ask your Excellency, with due deference and respect, to release me of my title of Knighthood

IV Mr. C.F. Audrews Views

(a) Flogging in Public.

The following letter by Mr. C. F. Andrews to the editor of the *Leader* was published in that paper on the 24th of April, 1919:–

To the Editor of the Leader,

"Sir,–I could scarcely credit the Associated Press telegtam (though it must have been passed by the censor which stated that there had been public whipping in the streets of Lahore. But now I have had a visit from an eye-witness, who has told me that he has actually seen it himself with his eyes and been sickened at the sight. I wish to write at once, as one Englishman among many, to express the shame and indignation which such news has brought to me. I do not think that the military authorities can understand the humilitation, worse than death, which the people of this country feel at such a punishment, otherwise they surely would never have inflicted it. But they ought to know the truth and know it at once; for such things can never be forgiven or forgotten. Is it not possible for the Viceroy to assert his authority, as superior even to martial law, and to stop these acts before they are carried any further?

Yours faithfully,
C. F. ANDREWS.
Delhi

(b) Administration of Martial Law.

In the course of a speech delivered at a meeting held at Lahore on November 15, 1919, to bid him farewell on his departure to East Africa, Mr. C. F. Andrews said:–

"I hold as strongly as possible, that no provocation whatever can excuse the cowardly and brutal murders of the

Englishmen by the mob which occurred at Amritsar and elsewhere, or burning of holy places of the Christian religion. Most cowardly and dastardly of all I regard the murderous attack on Miss Sherwood, who was loved by every Indian who knew her and who was a true follower and disciple of the gentle Saviour Christ.

"But just as I condemn, without one single word of palliation or excuse, these acts, so all the more utterly and entirely do I condemn the cold and calculated massacre of the Jallianwala Bagh. The massacre of Glencoe in English history is no greater a blot on the fair name of my country than the massacre at Amritsar. I am not speaking from idle rumour. I have gone into every single detail with all care and thoroughness that a personal investigation could command, and it remains to me an unspeakable, indefensible, unpardonable, and inexcusable disgrace.

"I am obliged to go on from that incident to what followed under martial law. I have seen with my own eyes very many who have endured the crawling order, the stripping of their persons naked in public under compulsion, men who had to grovel on their bellies in the dust, men who underwent public flogging and a hundred other desecrations of man's image, which according to our Christian scriptures is made in the likeness of God.

"This ruthless and deliberate emasculation of manhood by the brute force of the military and police, appear to me no less than an indelible stain on the fair honour of my country than the massacre at Jallianwala itself. These are the very few words which I have felt compleed as an Englishman to any with regard to the culminating acts of disturbance.

"Every day that I have been working side by side with my Indian fellow workers, the deep sense of the wrong done has come home to me, and each act has been in very truth an act of penance, or atonement. When in Lahore. I have gone out each morning to watch the sun rise over the

great eucalyptus trees in the public gardens and I have walked there all alone trying to collect my thoughts for the day's work and this morning there come to me out of the stormy time I have been passing through, these words from my own scriptures. 'He maketh his sun to rise upon the just and upon the unjust also. Be ye, therefore, perfect even as your father in Heaven is perfect' These were the very words of Christ, my Master, when he taught his disciples that forgiveness was the final thing in life, not vengeance, love was the end not hate. That same word was uttered long before in India itslef by Budha, who came to save and help mankind. It was this alone which has given hope to me on this last day in Lahore, before my voyage out.

"He maketh his sun to rise upon the just and unjust" ... "Be ye therefore perfect even as your Father in Heaven is perfect' We must probe down to the depth the wounds that have been made in order to draw out all the evil from them."

"I would urge you as you go forward, and face all the deeds of evil which have been done, not to dwell merely upon vengeance, but rather upon forgiveness; not to linger in the dark night of hate, but to come out into the glorious sunshine of God's love"

V—Colonel Wedgwood's Motion in House of Commons.

The Jallianwala Bagh Massacre.

Colonel Wedgwood.—(By Private Notice) asked the Secretary of State for India whether, pending the result of the Hunter Enquiry, Brigadier General Dyer has been relieved of his command; and, further, whether the Secretary of State has yet received a cabled report of General Dyer's evidence given before the Commission.

Mr. Montagu.—The answer to both parts of the question is in the negative. I may say I am in communication with the Viceroy on the whole matter.

Colonel Wedgwood.—Obviously this is too important a question to be dealt with in supplementary questions, and, therefore, I give notice that I shall raise the subject on the adjournment today.

Colonel Wedgwood (later).—I rose because I wanted to raise a question which is different from the Irish question in locality, but very similar to it in general characteristics.

I want to raise the question of the Amritsar massacre and the duty of this country towards India in that respect. The details of that massacre are unfortunately too well known to us. The English Press, with few exceptions, has taken the English view of the matter. The whole country has been horrified at what took place. Let me remind the House of what took place, and not from hearsay, but on the evidence given by the principal actor. Here enquiry will result in some trivial action. The thing must be put right. What happened? There was a religious festival and thousands of Punjabis had gone into Amritsar. The British officials were anxious, and the Deputy Commissioner on April 9 surrounded the notorious Drs. Satyapal and Kitchlew and carried them off. The news got about and their followers sent a mass deputation to the Deputy Commissioner demanding their release. The deputation was stopped, apparently by troops; it was only armed with sticks and as a result the troops fired and shot some of the demonstrators. Speeches were made over the bodies, and the mob turned and murdered three Englishmen and beat a lady. No one would excuse riots of that sort. On the evening of the 10th General Dyer arrived at Amritsar, and the Deputy Commissioner handed over the civil power to him. He issued a proclamation by words of mouth that no meetings should be held. Two days later, after there had been no sort of riot, nor murder, General Dyer heard that a meeting was to be held at the Jallianwala Bagh. He proceeded there with about 50 troops, half British, half Indian, and a certain number of Ghurkas, armed with their kukris. The Jallianwala Bagh is an open space half a mile square, which has one entry wide

enough for three persons. The troops got in and lined up on a mound of debris. The walls, seven feet high, and the surrounding houses enclosed the people. There were, too, three alleys through which the people might have been able to pass. Within 30 seconds of the troops getting in, General Dyer gave orders to fire, and the crowd of people, estimated at anything from 5,000 to 20,000, who were sitting on the ground, peacefully listening to the mob oratory, were fired on. The result of the troops' fire into the mass of people we do not know. But we do know that Dyer's own estimate of the casualties resulting from ten minutes' continual individual firing was 4oo to 500 killed and 1,500 wounded. What were the people to do? They could not escape. They were people who had not offered any violence and who had not been warned. These people were shot down. After ten minutes the ammunition was exhausted and the troops marched off, and they left 1,500 wounded there. There were men lying there for two days, dying of thirst, eating the ground, bleeding to death and nobody to look after them. Those relations who lived near came and carried away some of the wounded from among the heap of dead and dying, but the unfortunate country people died there miserably of their wounds. This is what is done in 1919 in British India. An English sportsman would take any amount of trouble or time to see that a wounded partridge was put out of its misery, but these wounded people were lying there for two days dying slowly. Think what this means. There has never been anything like it before in English history, and not in the whole of our relations with India has there ever been anything of this magnitude before. If you are to find anything so damning to the British reputaion you have to go back centuries. In the ordinary English primer the only thing the ordinary person learns about British rule in India is about the Black Hole of Calcutta and the massacre of Cawnpore, where there was a well choked with corpses. Centuries hence you will find Indian children brought up to this spot, just as they visit now the Cawnpore Well, and you can imagine the feelings of these Indians for generations over this terrible business (An Hon. Member: "What would you

have done?") I should not have committed murder. Think what all this means! You will have a shrine erected there and every year there will be processions of Indians visiting the tombs of the martyrs, and Englishmen will go there and stand bareheaded before it. By this incident you have divided for all time races, races that might otherwise have loved one another. The right Hon. gentleman has laid a foundation which might have led to a real cooperation with the British Empire but that has now been destroyed.

It has not only destroyed that; but it has destroyed our reputation throughout the world. You know what will happen. All the black-guards in America when they lynch niggers, will say "Oh, you did the same in India." When butcheries take place in Russia, whether it be by White or Red Guards, they will say "We never did anything like what you did in India"; and when we tell the Turks, "You massacred the Americans", they will say, "Yes we wish we had the chance of getting 5,000 of them together and then of shooting straight." That is the sort of welcome that this will get, and all the decent people in the world will think that England really likes what happened at Amritsar, and all this sort of thing is English. Really we know that this sort of thing is the finest Prussianism that ever took place. The Germans never did anything worse in Belgium. This dawns us for all time. Whenever we put forward the humanitarian view. We shall have this thrown into oaur teeth.

CHAPTER XIII

TRIALS UNDER MARTIAL LAW

"In England, the getting up a false case against an innocent man is a comparatively rare thing. In India, it may almost be called out of the customs of the country. If you want to spite your enemy, or to revenge some injury to yourslef or your family, one of the most ordinary means of doing it is to bring a false charge. There are always professional witnesses to be had, who ould join in such a conspiracy for the sake of a few annas; and it sometimes happens, that the police themselves are engaged as the chief actors in making these abominable charges"—The Right Hon. Sir Richard Garth, Q. C; Late Chief Justice of Bengal.

[Under section 2 (2) of the Martial Law Ordinance, 1919, the Lieutenant Governor of the Punjab appointed the following four commissions for the purpose of holding trials under section 2 (I) of the said Ordinance:— (I) The Hon'ble Mr. Justice Leslie Jones—*President;* Mr. M. H. Harrison. I. C. S., District and Sessions Judge; S. Din Muhammad. Extra Assistnat Commissioner, (2) Lieutenant-Colonel A. A. Irvine, C. I. E, District and Session Judge—*President;* Mr. F. W. Kennawary, District and Session Judge; Mr. I. C. Lall. (3) Mr. H. N. Prenter, I. C. S., District and Sessions Judge,—*President;* Mr. S. S. Harris, formerly District and Session Judge; Major P. W. Elliott. 20th D. C. O. Infantry (4) The Hon'ble Mr. Justice A. B. Broadway,—*President;* Mr. A. H. Brasher, I. C. S., District and Sessions Judge; Khan Bahadur Sheikh Rahim Bakhsh. These Commissions dealt with 114 cases and the number of persons tried by them was 853 of whom 581 were convicted.]

I. *BADSHAHI MOSQUE CASE (LAHORE).*

(Mr. Justice Leslie-Jones' Commission)

The evidence for the defence is worthless, Judicial notice is taken of the fact that there was already a state of rebellion in existence on the 12th of April. On that date a meeting with political objects was held in the Badshahi Mosque, Lahore. It was to be addressed by leading Hindus. Many Hindus were present and many people were armed with sticks. Maulvi Abdul Hai having recognised Ch. Ali Gauhar, C. I. D. Inspector, who was present in plain clothes, made an inflammatory speech against the C. I. D. in general, saying that no progress with their objects was possible until the C. I. D. were eliminated, and pointed out Ali Gauhar as an object of immediate attack. M. Abdul Hai and the other acccused then set upon Ali Gauhar, who was beaten with sticks on the body. His assailant had him at their mercy but did not kill him. Followed by the mob he was chased to his house, where he shut himself in. There were shouts of "burn the house" and the door was entered, but the mob did not proceed to extremes. Ali Gauhar's *pagri* was afterwards burnt in the mosque.

Having regard to the state of rebellion which was in existence, the Court held that the circumstances, the attack on Ali Gauhar, because he was an official of the C. I. D., was an overt act of waging war (see the judgment in the Supplementary Lahore Conspiracy case) There was double object of punishing a C. I. D. official as such and for securing freedom for seditious objects. Abdul Hai is acquitted on the charge under section 302, 115, I. P. C; because the interpretation which he intended to be put on his words is open to question. All the accused are convicted and sentenced as shown in the annexed schedule to transportation for life and forfeiture of their property, that being the minimum sentence admissible by law.

Accused No. I, Abdul Hai, was primarily responsible, and it is clear that he has lampered with students. Of the

other accused, Bashir Ahmad (No. 2) was in close attendance upon Abdul Hai, and it was Bhagat Ram who burnt Ali Gauhar's *pagri* in the mosque Labhu Ram (No. 6) is a man of some education who has been to England. At the other end of the scale are two young men, Muni Lal and Feroz Din, aged 21 and 18 respectively. The Court recommend the question of sentences in respect of the prisoners other than Abdul Hai, (No 1) for the consideration of Government.

2. AMRITSAR ASAULT CASE (ATTEMPT TO KILL MISS SHERWOOD)

(Mr. Justice Leslie-Jone's Commission.

Miss Sherwood is a middle-aged lady, who was Superintendent of the Mission School in Amritsar. She is also a Lady Doctor, and as such has spent many years working in the city where she was greatly respected.

Her story is briefly that about 1 o'clock on the 10th of April when she was bicycling from one of her schools to another she encountered a mob which raised cries of *"kill her, she is English"*. She wheeled round and tried to escape, but took a wrong turning and had to retrace her steps. She reached a lane where she was well-known, and thought she would be safe, but the mob over took her and she was also attacked from the front. Being hit on the head with sticks she fell down but got up and ran a little way where she was again felled, being struck with sticks even when she was on the ground. Again she got up and tried to enter a house, but the door was slammed in her face. Falling from exhaustion she again struggled to get up but everything seemed to get dark and she thought she had become blind.

The evidence deals only with a part of what occurred. The witnesses, who are particularly good and have been entirely unshaken in cross-examination, prove that towards the end of the chase she was seized by Ahmad Din, No. 7, who seized her dress and threw her down. His brother, Jila, No. 8 pulled off her hat. Then Mangtu, No. 3, Mela. No. 4, Mangta *alias* Giddar. No. 5, and Lal Chand, No. 6 struck her with their fists. She go to up and staggered on till Wilayati, No2, caught her by her hair, and having knocked her down took off his shoe and gave her five or six blows on the head. She got up and struggled a little further, until she was finally knocked down by Sundar Singh, No. 1, who struck her on the head with his *lathis*.

On this, the savage mob which had been shouting *"Victory to Kitchlu"*, raised the cry of *"she is dead"*, and then passed on.

Miss Sherwood was afterwards picked up by some Hindu shopkeepers, who took her to a temporary refuge. She was conveyed out of the city in the evening where the doctor who then attended her thought that she was still bleeding profusely from the scalp which was extensively wounded. If she had not been treated then her injuries would probably have been fatal. She has since gone to England in a critical condition.

The mob which chased and attacked Miss Sherwood was one of those which were attacking Europeans because they were Europeans, and the city was at the time in the full swing of murderous rebellion.

All the accused are convicted of the offences with which they are charged.

Some of the prisoners are youths, but at least one of them Wilayati, No. 2 was among the most brutal of a mob whose cruelty it would be difficult to surpass. The crime committed was far worse whan most murders, and although Government may perhaps, in the case of some of these offenders, be pleased to exercise its prerogative of mercy, we, as Court of Justice, are not prepared to distinguish, except in the case of Jila No. 8, who is much younger than the rest. The sentences are is in the schedul annexed. Jila , we consider, should be sent to a reformatory.

Sentence: Seven persons, Sunder Singh, Walayati Mangta Mela, Mangta, Lall chand & Ahmad were sentenced to death and forfeiture of property; Jila to transprtation for life and forfeiture of propery.

3. NATIONAL BANK MURDER CASE (AMRITSAR)
(Lt. Col Irvine's Commission)

On April 10th, 1919, about noon, after the arrest of Kitchlew and Satyapal, disorder broke out in Amritsar, in the course of which an attempt was made to invade the Civil Station by a mob which had to be turned back by fire from troops and police. Shortly after this a mob attacked the National Bank situated in the city, brutally murdered Mr. Stewart, Manager, and Mr. Scott, Assistant Manager, sacked and burnt the Bank and looted the godown which contained cloth and goods to the value of several lakhs of rupees. The Chartered and Alliance Banks were subsequently sacked. A Mission Hall Church and the Religious Book Society's Depot were also attacked and burnt by the mob. There was no reason why these institutions should have been singled out by the mob or their leaders except that, as the evidence shows, they were out to destory the visible manifestation of British connection with the country.

It is unnecessary to labour the point that the salient offence committed in connection with the attack on the National Bank, the facts of which from the main basis of the present charges, was one falling under section 121, I.P.C., and we have only to consider which of the 21 accused now before us were concerned in that attack. Certain of the accused could also be convicted under section 302, I.P.C., but we see no necessity to discriminate, more especially as in circumstances like those before us, there is only one possible penalty for the offence or offences committed.

We are not entirely satisfied that Ghulam Hasan *Pherna* ((15), was in the actual attack on the Bank, but he is proved to have been found in possession of property looted therefrom. We convict him and sentence him to 7 years' rigorous imprisonment under section 412, I.P.C. As regards the remaining 20 accused we are clear that they each took an

active part in the attack on the Bank. In convicting all of them of an offence under sectin 121, I.P.C., we would only note that Rattan Chand or Rattu (1) and Bhugga (2) were ringleaders. and initiated the outbreak with most significant promptitude, as soon as the news of the deportation of Kitchlew and Satyapal, whose lieutenants they are called, became known. We. thereof, sentance each of the remaining 20 accused, as set out in the schedule, to death and to the forfeiture of such property as was owned by him at the time of the commission of the offence and as is liable to forfeiture.

We consider the conduct of Muhammad Hussain, P.W 3. was very creditable throughout.

4. AMRITSAR (Mrs. Easdon's) CASE
(Mr. Justice Leslie-Jones' Commission)

Satyapal and Kithchlew were arrested in Amritsar on the 10th April and, in consequence, a *hartal* commenced at about midday. Crowds began to parade the streets and position became serious near the Municipal Zenana Hospital when wounded men were brought for treatment to Kidar Nath's dispensary opposite. Mr. Easdon, the lady doctor in charge, sent away all her out-patients, ordered the hospital to be locked, and endeavoured to reassure her in -patients. She thought of trying to escape herself but was warned that it would be impossible to do so both by her chaprasi, Hussain Bakhsh, and by Mr. Lewis (a cousin of Mr Benjamin, Sub-Assistant Surgeon in the hospital) who had come especially to advise Mr. Easdon to hide and to warn her that nobody could come to her assistance. It is said that having done so he left "to do some urgent work". Mrs. Easdon, who was thus left without any prötection, except her chaprasi and her female hospital staff, listened to the shouts of the angry mob increasing, and heard cries that Europeans had been murdered. She had the main door locked; ordered Mussammat Mathri, *Dai*, to be sure to lock her door, which was still open; and then went to the upper storey from which she watched the mob outside. On being told by the hospital servants that she must hide herself as the mob wanted to kill her, she ran to the quarters of Mrs. Benjamin at the other end of the hospital.

Shortly afterwards, Mrs. Benjamin, whom she had sent downstaris to get some milk, rushed back with the appalling news that assisted by Mussammat Mathri, the armed mob succeeded in getting into the hospital and that her life was in imminent danger. Mrs. Easdon had just had time to hide herself a few steps down an adjoining stair-case when the mob, which had failed to find her downstairs, rushed up into Mrs. Benjamin's room and demanded to know where she was.

Mrs. Benjamin, terrified though she was, swore that Mrs. Easdon had left the hospital but the mob was not satisfied and in the endeavour to find Mrs. Easdon broke open and searched all the cupboards and boxes in Mr. Benjamin's quarters. Mrs. Easdon who was within a few feet of them could hear all that occurred.

When the mob got back to the entrance of the hospital Mst. Mathri informed them that Mrs. Easdon was still inside. The search for her began again but by that time she had hidden herself in a latrine on the roof. Before the mob could find her, the news arrived of the burning of the National Bank and, in the hope of loot, the would be murderers dispersed.

Hussain Bakhsh, Chaprasi, who had behaved loyally and bravely throughout, then got out of the hospital and returned with a "burka" and a pair of Indian paijamas. Disguised in these and, having blackened her feet with ink, Mrs. Easdon escaped by a back way to the house of Muhammad Sharif, Sub-Inspector of Police, who gave her an asylum. She had spent about three hours in the hospital since the mob had first begun to collect.

There are 16 accused. Of these Muhammad Amin No. 13 is a pleader, whose house is close to the hospital, and Muhammad Jamil No. 14 is his brother, Muhammad Amin was under great obligations to Mrs.Easdon, who had attended all his family with great kindness and skill, and he was on very friendly terms with her. He had seen her on the roof of the hospital when the mob was being collecte dand he could not but have heard the shouts when Mrs. Benjamin's room was being ransacked Nevertheless he had preferred to return to his own house and to stay there leaving Mrs. Easdon to her fate. Even when the mob had left the hsopital he did not go to her assistance. However, on the statement of Mrs. Easdon, as it now stands, there is no evidence against him of actual abetment and we must acquit both him and his brother, Muhammad Jamil, though their inhuman conduct and base ingratitude have disgraced them for all time.

Accused Nos. 3, 5, 6, 7, 8, 9 and 10 are also acquitted for the reason that the evidence of their particiption is not sufficiently reliable to warrant a conviction.

Of the remainder, Muhammad Sadiq No. 11, though there is no evidence that he actually entered the hospital, was the man who collected the mob for the attack on it. The sole object was to kill Mrs. Easdon, as being a European.

Muhammad Akram No. 15, who is the son of Muhammad Amin, and a student at a Mission School, was a ringleader of the mob inside the hospital and it was he who made the most persistent enquiries as to where Mrs. Easdon was to be found. Against Mahesha No. 1, Harnamoo No. 2, Karim Bakhsh No. 4 and Gama No. 12 there is ample and satisfactory evidence.

No. 1, 2, 4, 11, 12 and 15 are all convicted and sentenced to death and to forfeiture.

Mst. Mathri, No. 16, the disloyal assistant who enabled the mob to enter the hospital, and sent them back for their second search, is convicted and sentenced to transportation for life and to forfeiture.

5. CHARTERED BANK CASE (AMRITSAR)

After sacking the National Bank a party of the disorderly mob in Amritsar attacked the Chartered Bank, broke the windows, set fire to doors and chicks, threw the books outside and smashed the furniture and fittings but were able to find little of value. The Kotwali, with a D.S.P.,Inspector, three sub-inspectors and a hundred constables was only 40 yards away and after the mob had been at its work of destruction for half an hour a body of 25 constables under a sub-inspector was sent across to the Bank. Even so they were fortunately in time to save the Manager, Mr. Thomson, and Assistant Manager Mr. Ross, against whom the mob had been uttering threats, but who had remained hidden in an upper storey of the building while the mob was occupied below. The sub-inspector tells us that he threatened the mob with his revolver, but it is significant, in view of what happened at the other Banks, that mere threats were sufficient.

Three of the eleven persons originally accused have already been convicted in previous cases and have not been placed before us. Eight are left: of these we are not satisfied that, Abdul Aziz (5), Sultan Muhammad (6) and Gaman Mashki (8) are guilty and we acquit them. The guilt of the remaining five (1) Ibrahim, (2) Gaman Dhobi, (3) Nabi, (4) Ghauns, (7) Sadhu Singh, we consider adequately proved and we conviect them accordingly of an offence under section 121 I.P.C. None of these men were leaders, they are all of low status and appear to have taken subordinate parts. We sentence each, therefore, to transportation for life together with forfeiture of such property as was owned by each at the time of the commission of the offence and as is liable to forfeiture.

A recommendation to mercy will be made on behalf of Ghauns (4) aged 18, on the ground of his youth.

6. AMRITSAR LEADERS' CASE.

(Mr. Justice Broadway's Commission).

(a) Precis of the Case.

For sometime past, certain persons in Amritsar,—several of whom undoubtedly formed their revolutionary ideas during their visits to Germany and other places in Europe, or were members of the notorious defunct Shining Club—have cherished hostile intentions against the British Government, and have sedulously endeavoured to instil the poison in their minds into the hearts of others. These persons have never failed to seize every possible occasion to spread the idea which they fostered among the public. Meetings were called on every possible opportunity, *e.g.*, on the subject of the issue of platform tickets, on the question of the preservation of the Muhammadan holy places, on the matter of the opening of grain shops, even on the petty complaints of students, etc, etc., at which, under their guidance, the discussions at once assumed a political trend. Under the pretext of holding meetings to protest against the passing of the Rowlatt Act, they succeeded in rousing popular feeling to such a high pitch, by their inflammatory and seditious speeches, that the Ram Naumi festival—on the 9th April, 1919—a purely Hindu religious festival, was converted into a political demonstration, with the result that, when Government found themselves obliged at this juncture to order the deportation of Drs. Kitchlew and Satyapal, their propoganda resulted in an open rebellion and rising against Government.

The serious excesses commited in Amritsar on the 10th April 1919 are too well known to need recapitulation in detail: public buildings were sacked and burnt, railway lines and bridges destroyed and damaged, telegraph communications interrupted and innocent Europeans brutally assaulted and murdered.

The accused named in the attached list having been found mainly responsible for all that has occurred are herewith sent up to stand their trial.

(b) Supplementary Precis of the Case.

The facts of the case are that a criminal conspiracy was formed in Amritsar, in conjunctton with conspirators elsewhere, to overawe Government and secure the abandonment of the Rowlatt Act.

The accused before the Commission were members of the conspiracy from the 30th March onwards up to the dates specified in the respective charges.

The conspiracy was formed prior to the 30th March, but inasmuch as the Commission is not competent to try offences committed before that date acts of the conspirators prior thereto will be proved simply to show the mature of the conspiracy and continuity of conduct. In pursuit of the objects of this conspiracy, a series of public meetings were held on 31st January, 5th February, 9th February, 11th February, 12th February, 21st February, 22nd February, 28th February, 23rd March, 29th March, 30th March, 6th April, 12th April and 13th April, attended and addressed by various of the conspirators in some of which sedition was uttered and the waging of war abetted.

In addition, the conspirators, or some of them, published a newspaper called the *Waqt*, which in pursuit of the objects of the conspiracy, published sedition and criminal incitements.

On 6th April a general strike was proclaimed and subsequently also a general strike was proclaimed and maintained . On 6th and 8th April, secret societies were established, and on 9th violent and seditious demonstrations were made against Government.

Certain of the conspirators were restricted between

the 22nd and 5th April and two were deported on the 10th April and thereupon, under the instigation of accused Nos. 1 and 2, some of the conspirators and others, in pursuit of the objects of the conspiracy, broke out and waged war against the King on the 10th April; and remained in a state of war up to and including the 13th April.

Events subsequent to 13th April are not charged against the accused.

During the period from 10th to 13th April Europeans were mur

During the period from 10th to 13th April Europeans were murdered and assaulted by members of the conspiracy: banks were sacked and burnt; the Railway Station at Amritsar was partly sacked and several other buildings were also sacked, much property destroyed; and the City of Amritsar was held by the conspirators in open defience of King's authority.

The principal specific facts which will be proved against each particular accused indicating his connection with and activities in the conspiracy are as follow; This list must not be taken as exclusive, as it may be deemed advisable to prove further other facts.

Saif-ud - Din Kitchlew, Accused No. 1

1. Speaker at the meeting of 31st January on "Constantinople Chala".

2. Speaker at meeting of 5th February (Rowlatt Bill meeting)—Slightly inflamed speech.

3. Speaker at platform ticket meeting of 5th February—speech petulant in character, described by *Aror Bans* as "passionate"—passages of an exciting character.

4. Speaker at Natonal Library meeting of 9th Feb-

ruary, Chairman of meeting advised boycott,

5. Speaker at platform ticket meeting on 11th February–somewhat excitable speech.

6. Speeker at Muhammadan trade meeting on 12th February; seized opportunity to incite against Government.

7. Speaker at Muhammadan meeting of 21st February *re* Ansari's speech–virulent effort to inflame religious feeling; inciting to force veiledly

8. Speaker at Annual Muhammadan Education Committee 22nd February tried to introduce political matter into speech, but was stopped.

9. Speaker at grain-shops meeting on 26th February; tried to use it for political purposes.

10. Speaker at Rowlatt Bill protest meeting of 28th February–excitable speech.

11. Speaker at protest meeting at Lahore on 14th March–excitable speech.

12. Speaker at Rowlatt Bill protest meeting of 23rd March –highly inflammatory and dangerous.

13. Convener of, and speaker at, protest meeting of 29th March–excessively inflammatory and seditious.

14. Convener of the protest meeting of 30th March, President also–inflammatory speech; resulting in restriction order.

15. Spoke at two meetings in Jullundur on 1st and 2nd April in inflammatory manner.

16. Advocated incitement of villagers and preparation and use of bombs.

17. Attended several secret meetings at own house between 30th March and 10th April in which there wre discussions as to creating trouble on the Frontier and in villages, burning of European bungalows and murders of European, boycott of courts and British trade and the spreading of false rumours.

18. One of conspirators who decided on 5th April 1919 to have *hartal* on 6th and hold meeting of 6th.

19. Stopped cricket match on 6th as part of *hartal.*

20. Attended Home Rule *Satyagraha* meeting on 6th at own house.

21. Attended meeting of 8th April to organize fraternization during Ram Naumi and spoke on subject; and subscribed for purpose. Made President of Satya graha Sabha.

22. Opened house for recording vows of *Satyagraha* on 9th and arranged for printing of forms.

Joined Ram Naumi damonstrations, shouting political cries, garlanded by mob, and started procession off. Held meeting in Guru Bazar to discuss situation. Proclaimed "Shanshah Kitchlew".

23. Held violent secret meeting at own house on evening of 9th.

24. Deported on morning of 10th; gave instructions to followers to create disturbance and take revenge.

Satyapal Accused No. 2.

1. Speaker at first Rowlatt Bill meeting on 5th February 1919; spoke in inflammatory fashion.

2. Speaker at first platform ticket meeting on 5th February 1919, displaying bitter racial feeling.

3. Wrote on 12th February 1919 to Mr. Bennet threatening "you will witness in the city dicontent and agitation the like of which you have never witnessed".

(Note.–Determined attempt to murder Mr. Bennett was made on 10th April 1919).

4. Speaker at second platform ticket meeting on 11th February 1919–highly inflammatory speech, full of intense racial feeling.

5. Wrote hysterical and abusive letter on 17th February to Traffic Manager, North-Western Railway, threatening discontent, disaffection and agitation: and published this letter broadcast on 20th February.................

6. Spoke at Muhammaden Education Meeting of 22nd February, somewhat bitter tone.

7. Spoke at grain-shops meeting on 26th February, but not objectionably tried to restrain kitchlew.

8.. Speaker at Rowlatt Bill protest meeting on 28th February; portions of speech inflammatory of racial feeling.

9. Speaker at Rowlatt Bill protest meeting on 23rd March–speech vitriolic and inflammatory in highest degree. Served with restriction order in consequence on 31st March.

10. Speaker at Rate-payers' meeting on the 23th March–meeting to protest against official chairman of Municipal Committee.

11. Speaker at protest meeting of 29th March–seditious and inflammatory in the extreme;Convener of protest meeting.

12. Convener of protest meeting of 30th March.

13. Writer of seditious article in the *Partab*.

14. Attended several meetings at house of No. 1 between 30th March and 10th April, in which there were discussions as to creating trouble on the Frontier and in villages, burning European bungalows and murdering Europeans, boycott of courts and British goods, and the spreading of false rumours.

15. Attended Home Rule *Styagraha* meeting at house of No. 1.

16. Attended secret meeting on 8th April 1919 to organize fraternization during Ram Naumi.

17. Joined Ram Naumi procession on 9th April 1919, and distributed sweet-meats at common *chhabil* to mob; Joined meeting in Guru Bazar to discuss situation.

18. Deported on morning of 10th and gave instructions to followers to create disturbance and take revenge.

Bard-ul-Islam Khan, Accused No. 3.

1. Speaker at Rowlatt Bill protest meeting of 28th February—inflammatory and inciting racial feeling.

2. Chairman at Rowlatt Bill protest meeting on 23rd March, but is not reported as speaking.

3. Chairman of gigantic meeting of 6th April—the last befor the outbreak but appears, both at beginning and end of meeting, to have advised the preservation of order.

4. Attended several meetings at house of No. 1 between 30th March and 10th April in which there were discussions as to creating trouble on the Frontier and in

villages; burning European bungalows and murdering Europeans, boycott of court and British trade and spreading false rumours.

5. One of the conspirators who arranged on 5th April 1919 to hold *harfal* on 6th April 1919 and the meeting of 6th.

6. Attended secret meeting on 8th April 1919 to organize franternization during Ram Naumi and spoke on subject.

Hafiz Muhammad Bashir, Accused No. 4.

1. Speaker at meeting of 31st January–speech not reported.

2. Speaker at meeting of 5th February–speech not reported.

3. Speaker at meeting of 12th February–speech not objectionable.

4. Speaker at meeting of 21st February–speech not objectionable.

5. Appears to have taken command when Nos. 1, 2, 5, 8, 9 restricted; convened meeting for 2nd April, recited inflammatory poem there.

6. Recited inflammatory poem in meeting of 6th April; moved harmless resolution.

7. As (14) against accused No. 2.

8. One of conspirators who arranged on 5th April 1919 to hold *hartal* on 6th April 1919 and meeting of 6th.

9. Attended Home Rule *Satyagraha* meeting on 7th April 1919 at house of No. 1.

10. Attended secret meeting on 8th April 1919, to organize fraternization during Ram Naumi; and spoke in seditious and violent manner. Made Secretary of Satyagraha Sabha and proposed political processions, driving of interneess round city to incite populace.

11. Headed a big mob on 9th April 1919 in Guru Bazar and harangued them in violent terms.

12. Attended violent secret meeting at accused No I.s house on 9th and spoke in an extremely violent fashion.

13. On receipt of news of deportations, swore to endure Government tyranny no longer. Proclaimed *hartal* on 10th and sent Rattan Chand to demand release of Nos. 1 and 2;Joined mob returning from Civil Lines at National Bank and incited it to take revenge. Present at sack of Bank.

14. Went to mob at Khairdin's mosque on 10th and incited it to further violence; then paraded on horseback through city with accused No. 7. Went on to own house where inflammatory speeches delivered to mob and deputed Chaudhri Bugga to form volunteer patrols for the night.

15. On 11th address mob at Khairdin's mosque in inflammatory fashion; advised mob to disobey Deputy Commission's order *re* removal of bodies and led tumultuous mob with bodies to graveyard.

16. On evening of 11th refused to stop *hartal* unless Nos. 1 and 2 were liberated and an amnesty granted with reference to affair on 10th.

17. At meeting of conspirators on 12th where public meeting suggested and proposed collection of arms.

18. Ordered the meeting at Jalianwala Bagh for 13th, did not attend himself. Insisted on meeting after proclamation of Marial Law.

Kotu Mal. Accused No. 5.

1. Speaker at Rowlatt Bill meeting of 5th February—of a somewhat inflammatory nature.

2. Speaker at National Library meeting of 9th Februay and subscribed Rs. 50. per mensem "to coach the masses in politics".

3. Speaker at grain-shops meeting of 26th February—slightly intemperate.

4. Chairman for short period at Rowlatt Bill meeting of 23rd March.

6. Speaker at rate-payers' meeting of 23rd March: Chairman also—poor report.

7. Convener of protest meeting of 29th March: also spoke; but not much in his speech.

8. Convener of protest meeting of 30th March: prayed in a most inflammatory manner; resulting in restriction order.

9. As (14) against accused No. 2.

10. Attended Home Rule *Satygraha* meeting on 7th April 1919 at house of No. 1.

11. Attended secret meeting on 8th April 1919 to organize fraternization during Ram Naumi.

Narain Das Khanna, Accused No. 6.

1. Present at meeting of 21st January.

2. Speaker at first meeting (Rowlatt Bill) on 5th February–speech not reported.

3. Speaker at Rowlatt Bill meeting of 26th February; advocating following the lines of Bengali agitation.

4. Convener of protest meeting of 30th March–does not appear to have spoken.

5. Convener of protest meeting of 30th March.

6. Speaker at meeting of 6th April, but speech not reported.

7. Originally proposed starting the *Waqt*.

8. As (14) against accused (2).

9. Deputed to arrange for causing trouble on Frontier–treasurer and collector of the Anna Fund of conspiracy.

10. One of conspirators who arranged on 5th April 1919 to hold hartal and big meeting of 6th.

11. On 11th accompanied funeral procession from Khairdin's mosque.

Gurdial Singh , Accused No. 7.

1. Speaker at protest meeting of 6th April, but speech not reported.

2. One of conspirators who arranged on 5th April to hold *hartal* and big meeting of 6th.

3. On 10th joined mob at Khairdin's mosque and said to have been with mob at Railway bridge inciting them on. Paraded thereafter with No. 4 on horseback through city. went on to house of accused No. 4 and delivered inflammatory speech to mob outside in evening.

Anubhawa Nand, Accused No. 8.

1. Speaker at protest meeting of 30th March—highly seditious and inflammatory, resulting in restriction order.

2. As (14) against accused No. 2.

3. Attended Home Rule *Satyagraha* meeting at house of No. 1 on 7th April 1919.

4. Attended secret meeting on 8th April 1919 to organize fraternization during Ram Naumi and spoke on subject.

5. Drafted *Satyagraha* and Home Rule League vow on 9th.

6. Joined meeting in Guru Bazar on 9th to discuss situation.

7. On 10th approved of murders, etc. and went to house of No. 4 evening where addressed mob in inflammatory fashion.

8. At meeting of conspirators on 12th suggested public meeting. At this time collection of arms proposed.

9. Interviewed No. 4 on 13th *re* meeting.

Dina Nath, Accused No. 9

1. Editor of the *Waqt:* writer of a series of inflammatory articles therein and publisher of violent cartoons.

2. Speaker at Rowlatt Bill protest meeting on 23rd March—highly seditious speech.

3. speaker at Rate-payer's meeting on 23rd March—poor report.

4. Speaker at protest meeting on 29th March–vary seditious and inciting racial feeling.

5. Speaker at protest meeting on 30th March–highly seditious and inciting racial feeling, resulting in restriction order.

6. Spoke in inflammatory manner at two meetings in Jullundur on 1st and 2nd April.

7. As (14) against accused No. 2.

8. Stopped cricket match on 6th as part of *hartal.*

9. Attended Home Rule *Satyagraha* meeting at house of No. 1 on 7th April 1919.

10. Attended secret meeting on 8th April 1919 to organize fraternization during Ram Naumi and spoke on subject.

Joined Ram Naumi demonstration shouting political cries, was garlanded by throng and started procession off.

Joined No. 2 in distributing sweetmeats to mob at comman *chhabil.*

Joined meeting in Guru Bazar to discuss situation.

11. Attended violent secret meeting on evening of 9th in house of accused No. 1.

12. No trace of his activities on 10th.

13. On 11th accompaned No. 4 to Khairdin's mosque and addressed mob there in inflammatory manner; and joined funeral procession; supported No. 4 in refusing to stop

hartal except on condition of liberation of Nos. 1. and 2 an amnesty for 10th.

Gurbakhsh Rai Accused No. 10.

1. Speaker at Rowlatt Bill protest meeting of 23rd March, but was inaudible.

2. Speaker at meeting on 12th April at Hindu Sabha School; exhorted audience not to obey Government and proposed a fresh *hartal.*

3. As (14) against accused No. 2.

4. Joined mob sacking the Chartered Bank on 10th April and went and reported to accused No. 4; went with No. 4 to incite mob at Khairdin's mosque; proceeded to house of No. 1 where violent speeches delivered to crowd

5. At meeting of conspirators on 12th where public meeting and collection of arms proposed.

6. Attended and spoke at the meeting of 13th. Advised crowd not to disperse when ordered by Military.

Ghulam Nabi, Accused No. 11.

1. As (14) against accused No. 2.

2. Attended Home Rule *Satyagraha* meeting at house of No. 1 on 7th April 1919.

3. Attended secret meeting on 8th April 1919 to organize fraternization during Ram Naumi.

4. Organized body of boys dressed as Turkish soldiers with black crescent flag from Ram Naumi on 9th.

5. On 11th accompanied funeral procession from Khairdin's mosque.

6. At meeting of conspirators on 12th when pubiic meeting and collection of arms were proposed—suggested collection of arms.

Ghulam Muhammad Accused No. 12.

1. Recited inflammatory poem in meeting of 30th March.

2. Recited inflammatory poem in meeting of 6th April.

3. As (14) against accused No. 2.

4. Attended Home Rule *Satyagraha* meeting at house of No. 1 on 7th April 1919.

5. Attended secret meeting on 8th April 1919 to organize fratermization during Ram Naumi and spoke on subject.

6. Arranged on 9th April 1919 for printing of *Satyagraha* and Home Rule League vows. Joined Ram Naumi demonstration. Joined meeting in Guru Bazar to discuss situation.

7. Attended violent secret meeting on evening of 9th in house of accused No. 1, and recited highly inflammatory verses.

8. On 10th joined mob attacking Chartered Bank and told No. 4 he was sorry he had arrived too late at the National Bank. Went with No. 4 to incite mob at Khairdin's mosque to further violence: and returned to No 4's house where inflammatory sqeeches were addressed to mob.

9. Delivered on 11th inflammatory poem to mob at Khairdin's mosque and accompanied funeral procession.

Supported No. 4 in refusing to stop *hartal* except on

condition of liberation of Nos. 1 and 2 and amnesty for 10th .

10. At meeting of conspirators on 12th where public meeting and collection of arms proposed.

Abdul Aziz, Accused No. 13.

1. On 11th.offered to take the *Satagraha* vow.

2. At meeting of conspirators on 12th when suggested public meeting should be held, accused proposed collection of arms.

3. On 13th took *Satyagraha* vow. Went to see accused No. 4 who directed public meeting should be held in Jalianwala Bagh. Was present and spoke at this meeting, which was broken up by military.

Muhammad Ismail, Accused No. 14

1. Recited inflammatory poem in meeting of 6th April.

2. As (14) against accused.

3. Composed seditious verses, placarded throughout city on 9th.

Moti Ram Mehra, Accused No. 15.

1. Convener of protest meeting of 29th March, but does not appear to have spoken.

2. Convener of protest meeting of 30th March.

3. As (14) against accused No. 2.

4. Deputed to arrange for causing trouble on the

Frontier. Treasurer of, and collector for, Anna Fund of conspirators.

The following co-conspirators have been indicted separately for waging war and murder on 10th April.

A brief summary of their activities is attached for reference.

Ratlan Chand.

1. Ricited poem at meeting of 30th March.

2. Speaker at meeting of 6th April.

3. One of conspirators who arranged on 5th April to hold *hartal* and big meeting on 6th.

4. Heads the Ram Naumi demonstration on 9th and opened common *chhabil* for mob.

5. Headed mob on 10th going to Civil Lines under instructions of accused No. 4 to demand release of accused Nos. 1 and 2: led mob when fired on into city. Sack of Post Office, present and a participator in murders at Banks.

6. Accompanied funeral possession on 11th from Khairdin's mosque Supported accused No. 4 in refusing stop *hartal* except on condition of liberation of accused Nos. 1 and 2 and amnesty for 10th.

Chaudhri Bugga Mal.

1. Financed the *Waqt*.

2. One of conspirators who arranged on 5th April, 1919, to hold *hartal* and big meeting on 6th. Arranged for drum beaters to announce *hartal*.

3. Used threats to secure *hartal* on 6th.

4. Headed Ram Naumi demonstration on 9th. Led part of mob on to Guru Bazar. Joined meeting in Guru Bazar to discuss situation.

5. Attended violent secret meeting on evening of 9th in house of accused No. 1.

6. Headed mob on 10th going to Civil Lines to demand release of accused Nos. 1 and 2: led mob back when fired on into city. Sack of Post Office and present at Bank murders.

Reported to accused No. 4 and went with him to incite mob at Khairdin's mosque to further violence.

Returned to house of accused No. 4 and addressed mob outside in violent manner. Deputed to form volunteer patrols for city at night.

7. On 11th accompanied funeral procession from Khairdin's mosque. Supported accused No, 4 in refusing to stop hartal unless accused Nos.1 and 2 were liberated and amnesty for 10th given.

A number of other conspirators have been separately indicted for various offences including murder, waging war, sedition and arson, and convicted.

The following minor conspirators to whom reference will be made in evidence have been sent for trial before summary Courts:—

1.	Nur-ul-Hassan,	Mainly engaged in reciting seditious
2.	Abdul Wahid,	poems in one or other of meetings.
3.	Dhaja Nand,	
4.	Girdhari Lal.	

(c) Judgment.

Dr. Saif-ud-Din Kitchlew, Dr. Satyapal, Badar-ul-Islam

Ali Khan, Muhammad Bashir, Kotu Mal, Narain Dass Khanna, Gurdial Singh, Anu Bhawan Nand, Dina Nath, Gurbakhsh Rai, Ghulam Nabi, Ghulam Muhammad, Abdul Aziz, Mohammad Ismail, and Moti Ram Mehra, fifteen persons in all, have been sent up for trial charged with offences under sections 121-A, 121.

The allegation against these fifteen persons is that they were the leaders of the whole movement which culminated, on the 12th April, in acts of waging war.

Briefly stated the case for the prosecution is that a criminal conspiracy was formed in Amritsar, in conjunction with conspirators elsewhere; to overawe Government and secure the abandonment of the Rowlatt Act; that this criminal concpiracy was in existence on the 30th March, 1919; and that these fifteen persons were then members of, or stabsequently (up to the 13th April 1919), joined it.

The events that occurred at Amritsar on the 10th April last are too well known to require any detailed description. Drs. Kitchlew and Satyapal, accused 1 and 2 , were deporated at 10 A.M. on that date–the news of their deportation was quickly taken to the city; a hartal was promptly organized and a mob started to go to the Deputy Commissioner's bungalow in the Civil Station to demand the release of the two deportees.

At the railway foot bridge this mob was met by a small picquet of troops. The mob attacked this picquet with stones and brick-bats and had driven it back some 100 yeards or so when Mr. Connor, Additional District Magistrate, arrived on the scene. He endeavoured to stop the mob but failed, and ordered the picquet to fire. This checked the mob and soon after the picquet was reinforced by Mr. Plomer, D.S.P., with a *posse* of armed Police.

A section of this mob attacked the Railway Goods shed, murdered Guard Robinson and asaulted Mr. Bennett,

Station Superintendent. Near the Rego Bridge Sergeant Rowlands, Cantonment Electrician, was brutally beaten to death and the telegraph office was attacked—other sections of the mob attempted to force their way over the Railway Road Bridge and the District Magistrate was compelled to give orders to fire on them.

In the city the National Bank was burnt and looted—Messrs. Stewart and Scott being murdered. The Alliance Bank was sacked and Mr. Thompson murdered, and attack was made on the Chartered Bank. The Religious Book Society's Book Depot, the Town Hall and the Indian Christian Church were hurnt. Attacks were made on the Normal Girls' School and the Zenana Hospital, the Lady Doctor Mrs Easdon having a narrow escape while Miss Sherwood was brutally and badly beaten.

The city itself was in the hands of the insurgents till the 13th April. That these acts constituted a deliberate and most determined waging of war cannot be disputed. Indeed the learned Counsel for the accused made no attempt at urging that war was not waged, and we have no hesitation in holding that war was waged on the 10th April.

Mr. Hussain Imam, who addressed us on behalf of all the accused with the exception of Narain Dass Khanna, accused 6, and Gurdial Singh, accused 7, filed an application objecting to the jurisdiction of the Court. He did not, however, address us at any length in support of this application and the impression we received was that he did not seriously press it. In any event we are unable to see any force in the objection. Mr. Hassan Imam next read out extracts from the speeches made by various non-official members of the Imperial Legislative Council during the debate on the Rowlatt Bill and contended that nothing in the speeches alleged to have been made by his clients approached the virulence and invective with which the non-official members of the Council had condemned the proposed measures, while His Execellency the Viceroy had

neithsr reproved, censured nor ruled out of order any of the said members. He contended that the members of the Imperial Legislative Council were really on trial.

Whether, or not, the said non-official members of Council are in any way responsible for the action of the accused, is a matter that is not before us and with which we are in no way concerned. We think, however, that there is force in Mr. Herbert's contention that speeches made in a solemn assembly and addressed to gentlemen of high intellectual abilities, cannot be compared with or put in the same category as speeches (even if more moderate in tone) made at meetings at which the audience consisted,in the main,of persons of little or no education, and in which appeals were made not to the minds but to the passions of such audience.

Beyond eulogising these speeches or of the non-official members in most eloquent terms Mr. Hassan Imam did not say very much.

He scareely discussed the law involved in the case and only dealt briefly with the individual cases against his clients. He did, however, attack the statement of P.W.I. Hans Raj (an approver) and gave the usual warnings as to the danger of accepting the evidence of an accomplice without corroboration on material points. With regard to the statement of this witness, we say, at once, that, after giving our most careful consideration to his statement before us, and one made by him as a confession before Mr. Seymour, magistrate 1st Class, on the 23rd and 24th April (brought on the record at the intance of Satyapal, accused 2) and after bearing in mind the warnings referred to above we have arrived at the conclusion that Hans Raj has endeavoured to tell his story as fully as he was capable of doing and has not deliberately made any false statement. That he has been occasionally confused is apparent but this is not surprising, considering the number of persons he had to deal with (a good many more than the accused in this case) and we have given the accused concerned the fullest benefit of any such confusion of idea, dates or names.

In the main details of his story, we regard him as worthy of credence. Not a single one of these accused has been able to show any valid reasons why Hans Raj should falsely implicate him and we have no hesitation in holding that the attempts made to prove him to be a misappropriator of money and drunkard and debauch have signally failed. The defence obviously tried to prove too much and their witnesses on this point we regard as utterly worthless.

In addition to the oral evidence the prosecution have placed on record reports of speeches made by the various accused at various meetings held between the 31st January, 1919 and 6th April, 1919. No charge has been laid in reference to the speeches made prior to the 30th March, 1919—they have, however, been referred to as showing that the accused or some of them have been systematically doing their utmost to being the Government, established by law in British India, into hatred and contempt and have convened meetings of any and every pretext, at which, while the object of the particular meeting was by no means objectionable advantage has been taken to sow the seed of sedition in the minds of the people. In this judgment, it is not necessary to refer in detail to the various speeches in question. Suffice it to say that we are satisfied that the speeches were claculated to bring, and were made with the intention of bringing, the Government established by law in British India into hatred and contempt, and that there was a Criminal Conspiracy (which was in existence on the 30th March) having as its object the dissemination of sedition.

For the prosecution it is alleged that the object of this Criminal Conspiancy was to overcome the Government and bring about the abandonment of the Rowlatt Bill, and, if we were to accept the statement of the approver Hans Raj on the point, the matter would be clear enough—for he says that the "passive resistance" or *Satyagraha* movement was a mere cloak for active resistance and that violence was

contemplated by the conspirators. It may be that this is true but inasmuch as this statement does not appear in the confession made by him on the 23rd and 24th April we think it would not be safe to take it into account as against the accused persons. We therefore, hold that the object of the Criminal Conspiracy was the dissemination of sedition.

Now the speeches at the various meetings dwelt constantly on the tyranny of Government and its harsh and repressive measures favouring the British at the expense of the Indians. Hindus and Mahomedans were called on to unite, so as to present a joint front to the Government particularly in respect of the Rowlatt Acts.

We entirely agree with Mr. Hassan Imam that Hindu and Mahomedan unity is a thing to be desired and worked for—if the object, however, is that they should unite in order to be one in their hatred and contempt for Govenment, *such on object* must be admitted to be reprehensible.

There can be no doubt that one of the objects for creating "contempt" for Government was to prepare the minds of the people for the reception of the *Satyagraha* movement—for "contempt" for a Government may induce people to defy its mandates and the *Satyagraha* vow clearly shows that laws passed by Government are to be disobeyed. Mr. Hassan Imam admitted that if two or more persons agreed to take this vow they became guilty of an effence under Section 120 A., I.P.C. That the result of the speeches at these various meetings was to rouse excitement in the people was admitted by Mr. Aziz Ahmad who, in the course of his able address on behalf of Gurdial Singh, accused 7, contended that the outbreak on the 10th April was due to the deportation of two of the "idols of the people" at a time when excitement was daily increasing.

We think this view is correct and that the disturbances of the 10th April were indeed the result of this excitement which had been created and fed by certain members of the

Criminal Conspiracy. Ex. P. 44 a manuscript notice affixed to the Clock Tower on the 6th April shows that some at least of the populace had been roused to such a pitch as to call on their fellow citizens "to die and kill". How far each of the accused can be held responsible for the disturbances is, however, another matter and we, therefore, proceed to take up the individual cases.

Before doing so we should state that at none of the various meetings were the Rowlatt Bill or Acts explained to the people present and on one occasion when a request was made that it should be translated, the President, a Barrister, said it was a difficult task but one which Dina Nath, accused 9, would perform. Dina Nath, accused 9, spoke after this but did not offer any explanation or tranlsate the measures. Indeed, throughout the trial he has maintained that he knew no English!

Further, at all the meetings the people were given to understand that the Rowlatt Acts were actually in force in Amritsar and throughout India.

Coming now to the case of:–

Accused No. 1.–Dr. Saif-ud-Din Kitchlew,–We find that he was undoubtedly known to Hans Raj, approver. He has been concerned in practically every meeting at Amritsar since the 31st January 1919, and was a prominent figure at the meetings at Jullundur on the 1st and 2nd of April 1919. His speeches were undoubtedly seditious and calculated to bring Government into hatred and contempt. Indeed two of his own witnesses characterise the speeches made by him at Jullundur as inflammatory.

We are, however, unable to see that he actually incited people to wage war. As we have said above we think it safer not to accept Hans Raj's statement that Dr. Kitchlew told him on the morning of the 10th to take revenge. Similarly we find that no mention was made by Hans Raj in his confes-

sion of the very important meeting on the 30th March at this accnsed's house and we therefore feel constrained to rule out that portion of his evidence. We think it has been proved that meetings were held on the 7th and 8th April at Dr. Kitchlew's house. There is direct corroboration of the meeting of the 8th, at the same time no agreement to wage war appears to have been arrived at these meetings. He was treated as a popular hero on the 9th at the Ram Naumi and was clearly regarded as a leader. He was present at the meeting on the night of the 9th April at his house at which there was some discussion regarding the use of force but Hans Raj states that Dr. Kitchlew protested by reminding Bashir (4) of his vow. He undoubtedly was a prominent figure in the *Styagraha* movement, the headquarters of which were at his house, and he also organised both the *hartals* on the 30th March and 6th April, 1919 and was instrumental in stopping the Cricket Match on the morning of the 6th Spril. We find him guilty of being a member of a Criminal Conspiracy under Section 124-A/120-B , I.P.C His offence is an extrmely serious one and we feel that the only sentence we can pass is that of transportation for life and we direct accordingly.

Accusd No. 2 –Dr. Satyapal - The case against Dr. Satyapal is very similar to that against Dr. Kitchlew. He started the platform ticket agitation–legitimate in itself–but used by him and his fellow conspirators to further the objects of the Conspiracy. The letters which he addressed to the Railway authcrities in this connection were extremely intemperate. Until he was restricted he was a prominent figure at most of the meetings at which his speeches were as seditious as those made by Kitchlew. He was one of the conveners of the meeting of the 30th March, but did not attend it owing to his having been restricted. He continued a member of the conspiracy, being present at the meetings of the leaders on the 7th and 8th April at Dr. Kitchlew's house. He has no enmity of any kind with Hans Raj and his assertion that Hans Raj's social position was so low that he did not associate with him is manifestly absurd. It is clear that he was regarded in the same light as Dr. Kitchlew as a popular

hero and he shared the honours accorded to Dr. Kitchlew at the Ram Naumi. We find him guilty under Section 124-A 120-B. I. P. C, and sentence him to transportation for life.

Accused No, 3.–Badrul Islam Ali Khan.–There is no doubt that this accused was present at the meeting of 28th February, 23rd March and 6th April 1919, Hans Raj names him as one of those present on the 5th April at the cricket match and on the 8th April at the leaders' meeting. He was not, however, mentioned in the confession as present on the 8th April at the leaders' meeting. His speeches at the meetings were moderate. We are inclined to think that the members of conspiracy were endeavouring to get him to join them but we are not satisfied that he did actually join. We give him the benefit of the doubt and acquit him.

Accused No. 4–Dr. Muhammad Bshir.–This accused was present at several of the meetings and was clearly a member of the Criminal Conspiracy. He took a prominent part in the Ram Naumi procession and addressed Dr. Kitchlew in the Guru Bazar in inflammatory terms. He was at the meetings at Dr. Kitchlew's house on the 7th, 8th and 9th April. On the 10th April it was from him that Hans Raj and others took their order. He was present at the attack on the National Bank and incited the mob to take rvenge for those injured by the firing. The evidence of Kesho Ram and Dholan Das as well as that of Hans Raj leave no room for doubt that he was regarded as a leader by the people from the 10th onwards. He was prominent in insisting on the funeral procession proceeding to the Jaianwala Bagh on the 11th, and when Kesho Ram and others summoned him he refused to go and insisted on their coming to his house where Ratto and Bugga also attended. He also organised the meeting on the 13th April, though he did not attend. We regard his defence as worthless and have no doubt that he was a member of the Criminal Conspiracy and that he also waged war and we find him guilty under Section 124-A, and 121 I.P.C. We can see no justification for passing any sentence other than the extreme one and sentence him to death. Such property as belongs to him and is liable to forfeiture will be forfeited to the Crown.

Accused No. 5–Kotu Mal.–He was present at most of the meetings, including that at Dr. Kitchlew's house on the 8th April. His speech at the meeting of the 5th February clearly indicated his seditious views, and his subsequent activities satisfy us in that he was acting in concert with Drs. Kitchlew and Satyapal. His defence evidence does not help him and we find him guilty under Section 12-A/120-B Indian Penal Code. We think he played a minor part and that a severe sentence is not called for. We, accordingly, sentence him to 3 years' rigorous imprisonment, including three months' solitary confinement.

Accused No.6 –Narain Das Khanna.–This accused was present at most of the meetings and was a convener of some. He interested himself in trying to get the *Waqt* printed, showing his connection with Dina Nath, accused 9. According to the approver he took an active part in proclaiming the *hartal* of the 6th April on the evening of the 5th. Mr. Puri laid great stress on the defence produced as to Narain Dass being at a Lodge meeting from 6.15 P.M. to 10 P.M. on the 5th. We see no reason to doubt the correctness in the main of this defence evidence, but do not regard it as seriously affecting the statement of Hans Raj, for in his confession Hans Raj does not say that Narain Das actually took part in the proclamation work and we think he is making a mistake in the statement before us. We may say that we do not believe he went to the Lodge meeting at 5.30 P.M. He is alleged to have been deputed to spread sedition on the Frontier at a meeting on the 30th March. We have, however, already given our reasons for ruling out this portion of the approver's statement. He was present at the meeting of the 6th April We believe he was a member of the Criminal Conspiracy, but we are not satisfied that he took any part in the events subsequent to the 9th April, and convict him under Section 124-A/120-B India Penal Code, sentencing him, as in the case of Kotu Mal (5), to 3 years' rigorous imprisonment, including 3 months' solitary confinement.

Accused No. 7.–Gurdial Singh.–This accused was present at the meeting of the 6th April but we are not satisfied

that he joined the conspiracy. His actions on the 10th April, as deposed to by the Deputy Commissioner, indicate that he waa supporting the authorities to the best of his power and at some risk to himself. Hans Raj does not atribute any acts to him, merely saying that Gurdial Singh had told Bashir (4) that he had done what he could on the 10th. Mr. Herbet did not press the case against him and we acquit him.

Accused No. 8–Anu Bhawan Nand.–This accused appears to have come to Amritssar towards the end of March and was at the meeting of 30 March at which he delivered an inflammatory and seditious speech, which resulted in his being restricted. He was present at the meetings of the 7th and 8th April at Dr. Kitchlew's house and was with Dr, Ditchlew in the Guru Bazar on the 9th April His connection with the Conspiracy is we consider perfectly clear.According to the statement of the approver this accused was consulted by him and others and expressed his approval of the murders of Europeans committed on the 10th. On the 13th April, he is said to have provided a "Vow" signed by Abdul Aziz. We see on reason for disbelieving Hans Raj whose statements with regard to this accused have been consistent throughout. No sort of enmity has been alleged, and his defence evidence is of no value. We find him guilty under section 124-A/120-B and 121 I.P.C., and sentence him to transportation for life, directing that such property as belongs to him and is liable to forfeiture be foreited to the Crown.

Accused No. 9.–Dina Nath.– In addition to the evidence of the approver there is abundant evidence to show that accused was a member of the Criminal Conspiracy. He was undoubtedly very closely connected with the publiclation of the "*Waqt*, a vernacular newspaper, which we consider was the organ of the conspiracy. He was present at most of the meetings and his speeches were invariably seditious, While his cartoons and letter press in the "*Waqt*" were clearly intended to create hatred and contempt for Government. He was present at the meetings on the 7th and 8th and was with Dr. Kitchlew on the 9th April . On the 11th he is said

to have delivered an inflammatory speech at Khair Din's Mosque. He was at Bashir (4)'s house when Kesho Ram and Dholan Das went there, and was one of those who did not support the proposal made by Kesho Ram and others to end the *hartal.* His defence evidence does not help him. Indeed one of his witnesses says that Dina Nath's character is not above-suspicion. Having regard to his activities in connection with the object of the Conspiracy and after the 16th April we think that he is guilty of an offence under section 121. I.P.C., as well as under section 124-A/120-B I.P.C., and we sentence him to transportation for life and direct that such property as belongs to him and is liable to forfeiture be forfeited to the Crown.

Accused No. 10.—Dr. Gurbakhsh Rai.—This accused was persent at the meeting of the 23rd March but was not present at any of the other meeting. On the 10th April he was seen by the approver near the Chartered Bank and went with him to the house of Bashir (4). He admits having drafted resolutions Ex. P.S for the meeting on the 12th at which he also spoke using vilent language. He also was present and s

Accused No. 10.—Dr. Gurbakhsh Rai.—This accused was persent at the meeting of the 23rd March but was not present at any of the other meeting. On the 10th April he was seen by the approver near the Chartered Bank and went with him to the house of Bashir (4). He admits having drafted resolutions Ex. P.S for the meeting on the 12th at which he also spoke using violent language. He also was present and spoke at the meeting of the 13th which was dispersed by the Military. A number of "Vow" forms were found on the search of his house His close connection with Hans Raj is shown by the recovery of Ex. P. 8 (Resolutions from Hans Raj, and the approver is also corroborated as to this accused's presence at the meeting of the 13th. His defence is worthless.

We find him guilty under sections 124-A /120-B and 121, I.P.C. and sentence him to transportation for life direc-

ting that such property as belongs to him and is liable to forfeiture be forfeited to the Crown.

Accused No. 11.—Ghulam Nabi.—The statement of Hans Raj made before us is not quite consistent with the confession as far as this accused is concerned. Though not impressed by his defence evidence, we have doubts as to his complicity in the conspiracy and the events that followed. Giving him the benefit of these doubts, we acquit him.

Accused No. 12.—Ghulam Muhammad—In addition to the approver's evidence there is ample material to show that this accused was a member of the Criminal Conspiracy. He was at the meetings of the 30th March and 6th April and at Dr. Kitchlew's house on 8th April. He was with Hans Raj on the 9th as well as at the Guru Bazar wirh Dr. Kitchlew. He was also at Dr. Kichlew's house on the evening of the 9th. On the 10th April, he met Hans Raj near the Chartered Bank and accompenied him and Gurbakhsh Rai to the house of Bashir (4). He made an inflammatory speech at Khair Din's Mosque on the 11th. and took part in arranging the meeting of 12th. His defence evidence is worthless. We find him guilty under sections 124-A/120-B and section 121 I.P.C., and sentence him to transportation for life and direct that such property as belongs to him and is liable to forfeiture be forfeited to the Crown.

Accused No. 13—Abdul Aziz.—This accused first appears on the secne on the 11th April when he is said to have met Hans Raj and expressed a desire to take the "Vow". He also took part on the 12th in arranging for the meeting of that day—and took the "Vow". at the house of Anu Bhawan Nand (8). He was present at the meeting of the 13th as to which Hans Raj is corroborated by the boy Brij Lal (O.W.52) whose evidence we regard as reliable. He spoke at this meeting in support of Resolufon 2 of Ex. P. 8. As we are bound to take judicial notice of the fact that a state of rebellion existed at Amritsar at the time, as declared by the

Gover-General, we find him technically guilty of an offence under section 121, I.P.C. and are forced to sentence him to transportation for life with forfeiture of such property belonging to him as is liable to forfeiture. We, however, recommend him most strongly to the clemency of Government as we are of opinion that a very light sentence would suffice.

Accused No. 14–Muhammad Ismail.–This accused recited a poem at the meeting of April the 6th, which we however, do not regard as of any serious import. He is alleged to have been present at the meetings of the 7th and 8th April, but we are not satisfied as to his having been there inasmuch as he was not mentioned in Hans Raj's confession. We acquit him.

Accused No. 15- Moti Ram Mehra.– This accused is alleged to have convened the meetings of the 29th and 30th March. He also is said to have been present at the meetings of the leaders at Dr. Kitehlew's house on the evening of the 30th March, when he was deputed to go to the Frontier. As to this, however, we have already ruled out the approver's statement, and we think that there may be some doubt as to the idenity of this accused.

We accordingly, acquit him.

7. LAHORE LEADERS' CASE
(Mr. Justice Leslie- Jones' Commission).

(a) First Precis of Lahore Case

The accused before the Commission are eleven in number, namely:–

1. Lal Harkishen Lal
2. Pandit Rambhaj Datt.
3. Lala Duni Chand.
4. Lala Dharam Das Suri
5. Doctor Gokal Chand Naurang.
6. Lala Mathra Pershad.
7. M. Habibullah Khan.
8. Karam Chand Hateshi.
9. S. Mohsin Shah.
10. M. Allah Din.
11. Mota Singh.

The Court was convened on the 14th of May, 1919. The case started on the 17th of May, 1919, and closed on the 24th of June, 1919. Judgment delivered on the 5th of July, 1919 judgement:

HITHERTO in dealing with cases under the Ordinances of 1919, we have confined ourselves to brief recitals of the facts as found. We think, however, that although not bound by law to write any judgment it is only right that we should deal at some length with the present case, and this because the trial and arguments have lasted well over a month, some 700 witnesses have been examined, and many questions of law and facts are involved of which the bare decision, if unsupported by some detailed explanation, might hardly be considered sufficient. Our views on certain questions of jurisdiction which have been raised will be found on the record.

In Lahore the public agitation against the Rowlatt Bills

began with a protest meeting held at the Bradlaugh Hall on the 4th of February 1919. This was organised by the Indian Association and convened by Duni Chand, the Secretary. Speeches were made by Mr. Manohar Lal, Rambhaj Dutt, Gokal Chand, Dharm Das and others.

The second Bill was referred to Select Committee on the 10th of February, and on the 1st of March Mr. Gandhi published his manifesto including his *Satyagraha* vow. A second protest meeting was then held at the Bradlaugh Hall on the 9th of March. Dr. Kitchlew of Amritsar, Rambhaj Dutt, Gokal Chand, Mr. Saunders and Habibullah addressed the meeting. The second Bill was passed on the 18th of March and on the 26th Mr. Gandhi's message of the 23rd was published in Lahore. This was the message which advocated fasting and suspension of business on the 13th. A third protest meeting was accordingly fixed for that day, but was not held as the date of the demonstration was postponed by Mr. Gandhi to the 6th of April. A *hartal*, however, was observed in Delhi on the 30th and in the riot which ensued the mob had to be fired upon and some lives were lost. On the 6th of April there was a complete *hartal* in Lahore, extending even to Muzang and Baghbanpura. As a natural consequence and, in spite of the fact that processions had been forbidden, a crowd collected and threatened to become unmanageable. The authorities had the situation in hand and nothing serious happened. The advertised meeting was held in the Bradlaugh Hall that afternoon and was addressed by several speakers including Rambhaj Dutt and Gokal Chand. Great pains had been taken to popularise this meeting, the names of 30 conveners had been advertised, and the number of those attending was so great that an overflow meeting had to be held outside.

Business was resumed as usual on the 7th. On the 9th of April the annual Ram Naumi procession was held, at which speeches were made advocating Hindu and Muhammadan unity. On the afternoon of the 10th, news arrived of the Amritsar disturbaaces and the murder of Europeans, and also

of Mr. Gandhi's arrest. A fresh *hartal* was started at once. On he evening of the 16th, a large mob advanced down the Mall and had to be dispersed by firing both on the Mall and at the Lohari Gate. On the morning of the 11th, a mass meeting of Hindus and Musalmans was held in the Badshahi Mosque, and when this broke up in the evening, it degenerated into a disorderly and mischievous rabble and marched through the streets shouting among other crics that the King was dead and destroying pictures of Their Majesties. On the 12th, the crowd once more assembled in the Badshahi Mosque and began the proceedings by driving out and beating an Inspector of the C.I.D., who was fortunate to escape with his life. After listening to some speeches and electing a committee, they marched through the city and came into conflict with the authorties at the Hira Mandi and had to be dispersed by firing.

The remaining incidents relate to various meetings and committees concerning the *hartal*, which continued in Anarkarli until the 17th and in the city until the 18th when it was finally ended by orders passed under Martial Law.

Such are the main facts and the prosecution sets out to combine and connect these facts with the accused in such a way as to show that there was a conspiracy to secure the repeal of the Rowlatt Act by criminal means. The defence has asked us to believe that there was no sort of organization of the *hartal*, and that every individual shop-keeper in Lahore, Muzang and Baghbanpura decided of his own accord that he must close his shop as a protest. As disproving this contention, Exhibit P. 28 removed from the Gumti Bazar on the 3rd of April, is produced to show that pressure was being brought to bear in the city. It runs as follows:—

"Consider a while"

"If the mountain of calamity be about to fall on your motherland, and you do not render a bit of assistance to your country—who would be such a

wretch as would not join in the mournful state of his country by closing his shop and observing a fast this (next) Sunday.

"May God cast them into Hell who do not close their business this (next) Sunday, and do not keep a fast".

Similar and much more violent posters are produced which were found in various parts of the city between the 3rd and 15th, four having been so found on the 6th and one of these at the Bradlagh Hall. This is Exhibit P. 18

"1. That which we apprehended has happend. The future of India in falling has assumed the form of the Rowlatt Bill.

"2. There is confusion in every town, province and throughout the Empire. Is this the law or the tremour of an earthquake?

"3. To practise tyranny and to give it the name of love, what a fine trick is this of the civilization of the West!

"4. This pitcher of the East was full of the honey of loyalty, and now its sweetness has become bitter.

"5. Muhammadans and Hindus raised a thousand cries and lamentations, but could not cure Government of its obduracy.

"6. Their arguments had no effect on Vincent though Jinnah much beat his face and Sapru struck his head a great deal.

"7. In vain have we rubbed our foreheads for years in the Council Chamber. Now we are going to search for Gandhi's threshold".

Considerable reliance is placed on the fact that 16,000 copies of Gandhi's message were ordered by the Indian Association, to which several of the accused belong, and of which Duni Chand is the Secretary, and also on the the fact that, as explained by Jaigopal Tandan, D.W. 22, copies of this message were "published broadcast" in the city. These, it is urged, must have been the copies ordered by the Association. It is contended that the *hartal* was far from being spontaneous, and that this is hown not only by the evidence of witnesses for the prosecution but also by the native admissions of some of the witnesses for the defence such as that of D.W. 52.—"I have no notion who Gandhi is. He has cost me my livelihood". The *hartal* having thus been brought about and a large crowd having collected in the Bradlaugh Hall, speeches were made which, it is urged, were calculated to inflame the gathering whose temper is shown by the hissing of C.I.D. officers, the perpetual shouting of "Gandhi ki Jai",, "Shahidan-i-Delhi ki Jai, Tilak Ki Jai" and *"Hertal karne walon ki Jai.* A resolution was proposed expressing sympathy "with the innocent persons shot without justification" at Delhi. Rambhaj Dutt, the President, who presumably voiced the views of those, who had organised, and of those, who attended the meeting, preached the observance of the *hartal* and explained that it was a deliberate threat to Government or to use his own words that it meant "Saying to our rulers, Remove our suffering or we close our shops, suspend our business and we ourselves starve". The meeting broke up before sunset and is said to have proceeded to the city crying "Hai Hai Rowlatt Bill" and "Hai Hai George mar giya". On the way it burnt explanatory copies of the Rowlatt Act, which had been distributed by the Publicity Committee.

While the temper of the people was still in a dangerous condition, the annual Ram Naumi procession was held and largely attended by Muhammadans. Speeches were made in which stress was laid on Hindu-Muhammadan unity. On this occasion this laudable object can, it is urged, have only been preached as meaning unity against the Government. Several of the accused joined in the procession and three made speeches.

On the following day, the news of the Amritsar outrages and of the arrest of Mr. Gandhi arrived. Shops were shut and crowds insisted on their being shut and this, it is said, was the natural development of the foregoing agitation in support of Mr. Gandhi's crusade. In the same way the rabble, which advanced down the Mall and had to be twice fired upon, was the natural result of the campaign organised and started by these men.

On the following day, an enormous crowd of Hindus and Muhammadans collected in the Shahi Mosque inside the gate of which a banner was hung bearing the inscription "The King who practises tyranny cuts his own roots underneath". This meeting of 25,000 people had been organised, it is said, by the conspirators as is shown by the speech of Rambhaj Dutt telling the crowd at the Lohari Gate on the 10th to disperse but to come to the mosque on the following day. The crowd was addressed from the pulpit by Rambhaj Dutt and others and was told to stand and face death if necessary and to come to the mosque on the following day. After the speech of Rambhaj Dutt a railway khalasi, named Balwant Singh, was carried into the mosque shouting that there had been a mutiny in cantonments, and that he had killed a number of British soldiers with his own hand. He was followed by Harkishan Lal, Duni Chand and Dharam Das, who were carried to the pulpit on the shoulders of the people. More speeches were made and a committee of management for the *hartal* was elected. As the result of this orgy of mob oratory, the rabble left the mosque headed by hooligans carryings sticks and marched through the city shouting seditious cries and destroying pictures of Their Majesties. On the following day the mob reassembled, as arranged by Duni Chand. and the proceedings were even more lawless than before. An Inspector of the C.I.D. was beaten and driven out and when Duni Chand and his party arrived speeches were again made from the pulpit by non-Muslims and a fresh committee was elected to deal with the question of the *hartal*.

The view taken of these meetings by orthodox Muham-

madans is well expressed by the Hon'ble Khan Bahadur Fazal Hussain, no less a person than the Secretary of the Muslim League, who describes them as "sacrilege". Nawab Sir Zulfikar Ali Khan also states that this is the first mass meeting which has ever been held to his knowledge in the Shahi mosque. The position, therefore, it is urged, became more clearly defined than ever. The accused who had stage managed and directed the demonstration had openly shown their hand. They had been acclaimed by the populace as leaders, they had invited the citizens of Lahore to repeat the outrage of the 11th by desecrating once more the Shahi mosque on the 12th and this invitation had been accepted. The natural consequence, therefore was that Mr. Shafi and other gentlemen on being called upon to assist the Government on the 12th turned to these leaders and craved their help and co-operation . As leaders they then laid down the terms on which they were prepared to put an end to the *hartal* and these conditions, after some modification, were taken by Mr. Shafi and others to the Chief Secretary. It was understood that the result of Mr. Shafi's interview would be conveyed to them at Duni chand's house. This was done, and on this occasion Harkishen Lal is said to have abused Nawab Fateh Ali Khan for warning the public in a letter to the press of the dangers of *hartal* and passive resistance.

In the meantime the mob had left the Shahi mosque in the same state of tumultuous disorder as on the previous day, and on reaching the Hira Mandi came into conflict with the authorities and had to be fired upon before it would disperse.

The following day, the 13th, the principal accused attended by invitation a meeting with the Deputy Commissioner at the Town Hall, and there one Allah Din, a stranger from Hoshiarpur, was put forward by Duni Chand to inflame the feelings of those present by giving a lurid account of what he said was happeing in the city. When the Deputy Commissioner arrived he was openly accused of *"Be-imani"* (breach of faith) in sending troops into the city.

Conditions were again laid down the attitude of the

conspirators being that of people who could close the *hartal* if they chose, and the meeting broke up without anything having been achieved Subsequently the Deputy Commissioner explained to them that Martial Law would have to be introduced if the existing state of things continued. Another meeting was then held at Duni Chand's house and a small committee of six decided to advise the people to end the *hartal.* The prosecution is uncertain whether that decision was promoted by fear of Martial Law or by a desire to throw dust in the eyes of the authorities. When the decision was announced, it may have been unfavourably received by some of the mob waiting outside, but the leaders never told the people that Martial Law would follow and their story of a a projected house-to-house visitation, which, was stopped by a shower of rain, does not indicate serious effort. On the following morning, the three most prominent accused were deported.

It is pointed out, therefore, how up to the evening of the 13th the members of this conspiracy ruled the situation, spoke and acted as the rulers of that situation, dictated terms, objected to the conduct of the authorities, brought about various outrages and kept alive the general strike . It is not urged that all the accused were orginally members of the conspiracy but that each and every one sooner or later joined the conspiracy and, either by word or deed, furthered its objects by speaking sedition or by such acts as the opening of *langar khanas.*

The accused fall into two groups. The first and infinitel the more important which is alleged to have formed the original conspiracy and is frequently referred to as the "lawyer accused". consists of five senior members of the Lahore Bar, being three Barristers and two Pleaders, accused Nos. 1 to 5, and two junior members, Mohsin Shah and Habibullah, Nos 9 and 7, the latter a youngman who was but recently enrolled. The second group consists of men who are said to have joined later. Doctor Karam Chand Hateshi, No. 8, is a well known medical practitioner of Lahore, who recited a poem of his own composition both inside and outside the

Bradlaugh Hall on the 6th and opened a langar khana *at his own expense on the 11th*. Beyond these two acts, he is not shown as having joined or assisted the main body of the accused. Mathra Parsbad, No. 6, an intinerant minstrel employed by the Arya Samaj, recited a poem on the 6th, taken from the Delhi paper "*Vijai*". Allah Din, No. 10, a mechanic from Hoshiarpur, who has recently come to Lahore, is alleged by the prosecution to have made three vilent speeches: at the Badshahi Mosque on the 11th. Duni Chand's house on the 12th and the Town Hall on the 13th. Mota Singh, No. 11, is shown to have made a speech on the 11th in the Badshahi Mosque. He alone pleads an *alibi* and produces evidence to show that on the 11th he was in his school in Patiala, and that there must, therefore, have been a mistake in identity. Allah Din denies having been at Duni Chand's house on the 12th and, with this exception, he, Mathra Parshad and Karam Chand all admit having made speeches or recited poems on the occasions alleged, but they urge that these have been wrongly reported, and anyhow that what they said was in no way seditious or objectionable. Doctor Karam Chand adds that the opening of his *langar khana* was a spontaneous, independent, act of charity, and that he never had any sort of connection with any promoter or preacher of the *hartal*.

Those who are accused of having originated the conspiracy fall again into two sub-groups, the "principal accused" Nos. 1 to 5 and the "minor accused" Nos. 7 and 9. The defence of all seven, as opposed to those, who are said to have joined later, is a categorical denial, supported by the evidence of a large number of witnesses, of having either promoted or encouraged the agitation. They plead that they conistently helped the authorities, exercised a soothing and calming influence on the populace, endeavoured to get the *hartal* stopped, and on certain definite occasions succeeded in averting disturbances and induced the people to behave themselves. In the first place, they deny the authenticity of the order for the 16,000 copies of Gandhi's message and point to the absence of any direct evidence that these copies, by whomsoever they may have been ordered, were ever

distributed. They admit that, being politically minded and members of the Indian criticism, they have voiced their heartfelt conviction of the radical unsoundness and undesirability of the Rowlatt legislation, but they urge that, in doing so, they have but followed the example of all the members of the Viceroy's Council and have never exceeded the limits of legitimate criticism, as showing their anxiety to keep the agitation within proper bounds they prove that at a discussion with the Deputy Commissioner one of them offered to cancel the meeting of the 6th altogether. and again that Gokal Chand, a prominent member and speaker, at an association meeting of the 4th opposed the holding of the meeting of the 6th, and when he was over-ruled by the majority, asked to have his name removed from the list of conveners. His subsequent attendance is explained as due to undesire to help the police in getting the meeting dispersed before sunset and this more especially because he had thrice succeeded in inducing the crowd to retire earlier in the day. Evidence is produced to show that, when the C.I.D. officers were hissed, he rebuked the gathering, and this unfortunate incident is described as mere isolated act of bad manners on the part of an irresponsible minority. (No explanation is offered of the fact that Duni Chand, who does not deny that he received the letter asking him to make arrangements, deliberately led these officers into the body of the Hall though he knew that there were no arrangements, and that the crowd had already made a demonstration against the European wife of Mr. Jai Gopal). Great stress is laid on the fact that the notice of this meeting contained no mention of the *hartal* which had been advertised and was expected to begin before the hour fixed for the meeting; and the speeches in support of the *hartal* more especially that of Chaudhri Rambhaj Dutt are explained in the same way as those of the minor accused.

Many witnesses are produced to show that the Ram Naumi was celebrated as usual by the ordinary religious procession; that Hindu and Mhuammadan unity was preached as a religious duty. Dharm Das and Mohsin Shah being among the speakers, and that as soon as the mob tried to break away

from religion to politics and cried "Gandhi ki Jai" Gokal Chand rebuked the people and did so with the best results. In the same way all connection with the *hartal* of the 10th is stoutly denied, and this is explained to have been an orderly and spontaneous expression of pious grief by the citizens of Lahore on hearing the news of Gandhi's arrest. Two incidents are relied on as contradicting the theory of the prosecution that the outbreak on the Mall was brought about by the accused, and these are: offer made by Duni Chund to assist after the firing had taken place, and the speech by Rambhaj Dutt near the Lohari Gate, in which he is said to have confined himself to begging the rioters to return to the city. It is urged that on the 11th, it was at the wish of the Deputy Commissioner that accused Nos. 1 to 5 and No. 9 visited the Shahi Mosque, and the speeches made are described as calculated to soothe the people and close the *hartal.* The opening of the subscription for *langarkhanas* is denied, It is admitted that a subscription of Rs. 1,000 was offered, though never paid, by Harkishen Lal; but this offer, it is said, was made only on condition that the *hartal* was closed and with the object of financing a subsequent campaign of constitutional agitation. All connection with the *langar Khanas* is also denied and these, it is urged were the outcome of the spontaneous charity of humane citizens, who could not see poor people starve, however, misguided they might be. It might further have been pointed out that it was perhaps hardly for these accused, of whom the majority are Hindu lawyers, to put an end to the desercration of the Badshahi Mosque when the members of the committee of management and the Musalman *Raises*, who must have known what was happening, saw fit to take no action, but, even if this be admitted, the question remains whether these persons, as alleged, actively encouraged and promoted the rioting and the sacrilege. The attendance of some of the accused on the 12th was again prompted, it is said, by a desire to help Government, and the meaning of the formation of a committee to consider the alternatives of continuance and cessation is said to be that a bald announcement of the real intention of ending the *hartal* at all costs would have been unfavourably received.

The principal accused explain how they were called into consultation by Mr. Shafi on the 12th, and how they agreed with him and other citizens on the action to be taken and the conditions to be laid down. They add that the fact that all these gentlemen and title-holders agreed with them shows that the advice was moderate and sound. If Rambhaj Dutt on his arrival used angry and excited language to anybody, it was only in consequence of a carriage accident; and, in the same way, if Harkishen Lal later abused Nawab Fateh Ali Khan in a private house, it was a matter to be settled by the gentlemen concerned, and is certainly no evidence of a criminal conspiracy. Exception is taken to the evidence of the use of the word "*Beimani*" on the 13th to the Deputy Commissioner, and it is pointed out that, at the worst, there was a difference of opinion between him and some of the accused.

The separate incidents brought forward to show that the accused loyally assisted the authorities on every possible occasion are as follows :–

Duui Chand wrote to the students and others coming from the Ravi on the 6th, and told them not to hold a procession. On the same day, Gokal Chand three times succeeded in turning back the mob and preventing it from breaking out upon the Mall, and this he did at the special request of the police. The same afternoon it is said, he rebuked the crowed at the Bradulaugh Hall and stopped the demonstration against the C. I. D. Officers. On the 9th, he controlled the mob and prevented the use of political cries at the Ram Naumi Procession. On the 10th Duni Chand offered his assistance after the firing on the Mall, and, later, Rambhaj Dutt tried to induce the mob at the Lohari Gate to return to the city. Mohsin Shah succeeded in doing so at the Mochi Gate; and finally Harkishon Lal gave excellent and prudent advice to the Deputy Commissioner as shown by witnesses. D. W. 10 and D. W. 31. This is said to have been not that the bodies of those killed in the riots should be returned as demanded by the mob, but that they should either be returned or disposed of.

The case for the defence, therefore, may be described as taking each separate incident and treating it as such apart from all that occurred before or after. The importaned of each adverse detail is then minimised, or an innocent explanation is tendered, which might very often be entertained and accepted were it possible to treat such incidents separately.

The case for the Crown, on the other hand, consists of collecting various facts and incidents urging that the combined effect of such facts is sufficient to establish a strong and convincing case. Reliance is often placed by both sides on the same incidents. The defence shows that on certain occasions some of the accused did assist or did offer to try and assist the authorities. The prosecution on the other hand, points to the same incidents as showing what great authority these people had, and it endeavours to establish that not only did they abstain from doing their duty but they deliberately fanned the flames and excited the passions of their ignorant followers.

In order to clear the ground, it is desirable to discuss from the position which is held in Lahore by accused Nos. 1 to 5, i.e., the five Hindus Lawyers. There is a large body of evidence that they are in no sense leaders of the people; that they have no influence in the city and that when some of them went there to induce the people to open their shops they were greeted with such cries as, "We did not close our shops for you and we will not open them for you." We have even been told that though these accused were powerless to end the *hartal*, Mr. Shafi and his friends would have had no difficulty in doing so had they really tried. In his arguments. Mr. Hassan Imam has left this part of the evidence severely alone, and his contented himself with saying that though some of these accused are leading men not only in Lahore but in India, leading men merely voice and do not lead public opinion, and that in any case his clients are in no sense leaders of the shopkeeping class.

Now it is true that in a letter published in the *Civil*

and Military Gazette of May, 11th, the Hon'ble Rai Bahadur Bakhshi Sohan Lal, who is a member of what has hitherto been described as the moderate party, advanced a claim that he with Raja Narendra Nath, the Hon'ble Rai Bahadur Ramsaran Das, the Hon'ble Mian Muhammad Shafi, the Hon'ble Sir Zulfikar Ali Khan and others had brought about the ending of the second *hartal*; that their influence had already borne fruit in the city on the 16th and was merely assisted by the action taken under Martial Law which "expedited" the conclusion of the *hartal*. This letter has never been publicly repudiated by any of those on whose behalf the claim was made, but it is sufficient to say that it is established both by the prosecution and the defence that the conclusion of the *hartal* was due solely to the orders passed under Martial Law. Mr. Shafi and the *rais class* generally are, no doubt, prominent professionally or socially and a number of them are, of course, members of the Legislative Councils. It does not, however, follow that they are persons of influence in Lahore. On the contrary, there is ample evidence of a convincing kind that the people of the city regard them as time servers and title-hunters, and dislike them accordingly. It is clear, too, that other politicians look upon them as men who can be led though they cannot lead. Thus in his speech of the 4th of February, as reported in the *Tribune* of the 7th, a passage which provoked loud and prolonged applause. Gokal Chand did not hesitate to tell even Mr. Shafi and Sir Zulfikar Ali Khan that if they supported the Rowatt Bills they would be regarded as enemies of their country and India would know the reason why. We do not propose to discuss Mr. Shafi's reasons for voting against the Bills, but we should not be surprised, if threats of this kind were not wholly without the effect intended, and it may well be that such order to toe the line had something to say to the complete unanimity on which Mr. Shafi dilated in his speech in Council.

Mr. Shafi has told us that on the 15th of March the moderate party issued from Delhi a manifesto in which they deprecated passive resistance as preached by Mr. Gandhi; Mr. Shafi had himself spoken in Council on these lines and

we fully believe that he meant what he said, but, though he must soon have discovered the futility of the Delhi manifesto, neither he nor any of his friends, with the solitary exception of Nawab Fateh Ali Khan, made the slightest effort to check the propaganda which were being preached in the city of Lahore.

Again, while it appears to us to be quite possible that most of these gentlemen may not have wished to prevent the *hartal* of the 6th, we have no doubt that they did not approve of the *hartal* of the 10th, and would have stopped it if they could,Nevertheless, when asked Government to help, it never occurred to them to go straight to the city and to make a direct appeal to the people. They assembled a few leading shopkeepers at the house of Mr. Muhammad Naki, but were at once referred by these shopkeepers to Harkishen Lal, Rambhaj Dutt and Duni Chand, who were described by name as the leaders. After that, all that Mr. Shafi and his friends attempted to do was to try and make terms with the leaders, whom they clearly regarded as controlling the situation; and they of all people were in a position to know. Mr. Fyson, the Deputy Commissioner, also so regarded them and he has told us that some of them spoke to him as persons of authority with power to end the *hartal* if their terms were granted.

The accused have made a great point of the fact that Mr. Shafi and his friends agreed to the terms drawn up on the 12th of April and represented their own agreement to the Chief Secretary. Probably, however, that position was forced upon them by the unpleasant alternative of confessing complete impotence to Government and at the same time incurring still greater unpopularity in the city. It cannot have been altogether pleasant for Raja Narindra Nath to have to admit to us the small esteem in which he and his friends are held, but he has done so fully. He has told us that it would have been quite useless for any of the moderates to hold a meeting or to say a word in defence of Government, because only those who attack Government can get a hearing;

that when he went into the city on 12th he would not have dared to explain the Rowaltt Act, and that when he went there again with the Hon'ble Rai Bahadur Ramsaran Das they were both taunted by the crowd as beneficiaries of Government. So too, Rai Bahadur Ramsaran Das himself was quite unable to keep his works open during the second *hartal,* and Mr. Shafi had to submit to a protracted *hartal* in his own ancestral village of Baghbanpura. Neither he, nor Sir Zulfikar Ali Khan, though they are on the Managing Committee of the Badshahi Mosque, attempted to prevent the sacrilege of the 11th or 12th. There are many other indications of the dislike, with which any one who is suspected of friendliness towards Government is received in Lahore City, but we will not labour the matter further. The point is that if the accused can produce a seemingly respectable witness D. W. 11.278 to testify to the enormous influence of Mr. Shafi, etc., and at the same time to state that even if the accused had been ten times more numerous than they were would not have been able to exercise the slightest influence in the city of Lahore, they can produce evidence in support of any allegation which it may suit them to put forward from time to time. Mr. Ganpat Rai, as counsel for his brother Duni Chand, has twice told us that he could, if necessary, produce the whole of Lahore city to give testimony, and for all practical purposes he has justified his claim by producing hundreds of schooled witnesses, for whom no falsehood is too extravagant and no fabrication too absurd. It is sufficient to give a few instances.

Having produced evidence to show that the *hartal* of the 11th was spontaneous, the defence follows this up with a large number of witnesses who say that the *hartal* continued on the 11th because the people were afraid that they would be shot if they left their house. Nevertheless, on the very day a crowd of some 25,000 people admittedly assembled in the Badshahi mosque and afterwards behaved as if they were masters of Lahore.

So too, we have numerous statements that there was never any idea of opposition to Government, and this, in

spite of the riot on the Upper Mall, the incident of Balwant Singh, the attack on the C. I. D. Inspector, the *Danda Fauj*, the destruction of pictures of their Majesties, the shouts of 'Hai George mar giya," and contents of the *Danda Akbhbar*, Exh. p. 25, which we here append as indicating the prevalent temper of the mob, for it is by the most violent that mobs are swayed.

"NOTICE.

"Mr. Shaukat Ali ki jai,

"Mahatma Gandhi ki jai.

"DANDA AKHBAR.

"First event.—When Mahatma Gandhi arrived at Palwal, the English monkey informed him that his entry into the Punjab was forbidden, and that he should please go back. He replied that he would never go back, then that pig monkey arrested him. Reports of his arrest reached here at once.

"Second event.—When the news reached Amritsar, the *Danda Fauj* of the brave Sikhs set fire to the Bank, the Railway Station and Electric Power House.. They cut the telegraph wires and removed the railway line. The *Danda Fauj* of Amritsar bravely killed a number of European monkeys and their Sikh Regiments have revolted and deserted. O Hindu, Muhammadan and Sikh brethern, enlist at once in the *Danda Army*, and fight with bravery against the English monkeys. God will grant you Victory. Do not apprehend that God does not help us. Cast away such a notion out of your heart. God helps us at all times and hours. Conquer the English monkeys with bravery. God will grant Victory. Leave off dealings with the Englishmen, close offices and workshops. Fight on! This is the command of Mahatama Gandhi.

"Third event.—O Hindu, Muhammadan and Sikh brethern, do you known of the incident that took place at the Mall Road on the night of the 10th April. The Hindus and

Muhammadans who were martyred that day were your own and they sacrificed their lives. Does not this incident excite you? What is the reason? Were not those who were made martyrs *in* Hira Mandi on the 12th April your own brethern, and died at the hands of the tyrants? Does the Prophet of God command you not to fight against the tyrant? No, never, Prophet himself fought, and has commanded us too to destroy the tyrants as he did. Should we not be ashamed of ourselves that while the tyrant is up to all sorts of cruelty, we are sitting quiet? O Hindu, Muhammadan and Sikh brethern, raise the cry of *Allah Akbar* and kill the *Kafirs*. Get ready soon, for the war and God will grant Victory to India very soon. Fight with enthusiasm and enlist yourselves in the *Danda* Army."

"Servant of the Nation.

"DANDA AKHBAR.
"Hindus, Muhammadans and Sikhs.

We have even had witnesses who are prepared to swear that though it is stated by the defence that the people were afraid of leaving their houses, shouts of "Victory to Government" resounded through the streets of the city.

Then, too, we have the mass of testimony that the suspension of business was not compulsory. Leaving aside the statements of other witnesses for the defence, who closed their shops on the 11th, when they saw the crowds coming, and the pressure which must unquestionably have been used before all the small shopkeepers with perishable goods could be induced to close, there is plenty of evidence of a reliable character to show what really happened. Schools and public officers were forcibly shut, gates were picketed to prevent clerks going to work and no tonga-drivers were to ply until they had first removed their license numbers. We had even witnesses who could swear that clerks stayed away from office merely because they wanted a holiday, and one of those who pretended to this knowledge was a tinker in the Kasera bazar.

In this connection, we may refer to the statement of the Hon'ble Rai Bahadur Bakhshi Sohan Lal, D. W. III-147. In this examination-in-chief, he had said all and perhaps more than he could have been expected to say, including a statement that the principal accused are all loyal; but when questioned by the court as to his grounds for saying in his letter in the *"Civil and Military Gazette"* that compulsion was used, he mentioned amongst other things that a barrister named Behari Lal had complained to him of being stopped by a mob and asked to join it. At the next hearing the barrister in question, D. W. III-160, came to swear that he never said anything of the kind, and that Bakhshi Sohan Lal was a liar. We have no doubt that Bakhshi Sohan Lal's statement on this particular point was quite true, but nothing could show more conclusively the influence which some of these accused must possess.

Mr. Hassan Imam in arguing the case evidently felt that much of the evidence or the defence was too indigestible for serious discussion, and he confined himself in the main to the statements of witnesses for the prosectuion which, he remarked, are replete with evidence showing the innocence of the accused.

In a sense that remark is true enough. In face of the general feeling against Government but few people could have been willing to give evidence for the prosecution, and some of those who were produced to give formal evidence, or evidence of a kind they could hardly avoid, discovered themselves as partisans for the defence as soon as their cross-examination began. Thus Mr. Hassan Imam was able to make great play with the statement of Piara Mohan P. W. 27. a Vakil, who gave evidence against some of the lesser. He proved himself the staunchest friend of the principal accused and besides being a convener of the meeting of the 6th, he had accompanied some of them to the Badshahi Mosque. There are several other instances.

Mr.Hassan Imam, however, was also able to claim considerable help from the statements of men like Mr. Shafi,

and his argument was that if such obviously whole-hearted supporters of Government give any evidence which tells in favour of the accused that part of their evidence at least must be unquestionably true.

That is not the view we take, and we consider it necessary to speak plainly about this matter. One of the most important pieces of evidence against Harkishen Lal is the matter of subscription of Rs.1,000 to the *langar khanas*. Whatever may be the merits of Harkishen Lal's action in this matter, and it will be discussed later, there is no doubt that these shops were the creatures of the *hartal* and were intended to prolong it. Yet both Ramsaran Das, P. W. 7, who was otherwise in our opinion one of the most straightforward of the witnesses for the prosectuion, and Lala Karam Chand, an honorary magistrate and a member of the municipality, fell into line with many of the defence witness in telling us that the *langar khanas* had nothing to do with the *hartal*. We do not think it is necessary to give other instances, but we must state our considered opinion that many witnesses of high social standing have been guilty to a greater or less degree, if not always of bald falsehood, at least of *toning* down parts of their evidence, though not always the same parts, and have been prompted do so either by sympathy or fear.

We make no doubt that when witnesses of this class told us that they asked some of the principal accused to help because they were recognized as leaders and had been nominated by the shopkeepers to voice the views of the city, they were merely stating a fact which at that stage of the case it had not even occured to any one to contest. At the time when they gave their evidence, the point with the defence was, not whether the men named were leaders but whether they had been named or not, and even when at a subsequent stage of the case they came to regard their description of leaders as disadvantageous, they were never able to make any reasonable suggestion as to other persons who might be expected by lead the shopkeepers and were

thus driven to their foolish assertion that Mr. Shafi and his friends could have ended the *hartal*.

The causes of their influence are obvious enough. The five Hindu lawyers accused are all men who have taken a prominent part in public affairs of various kinds. Duni Chand in particular is the Secretary of the All-India Arorbans Association, a body with a large following among the shopkeeper class, and he has long been a leading member of the municipality. They are all leading members of the Indian Assciation, a body which is constantly engaged in that highly spiced criticism of Government which so appeals to the multitude. There is ample evidence that these men were regarded as leaders by all with whom they came in contact. The Deputy Commissioner so regarded them, and so did the members of the moderate party. At the private meetings, the richer shopkeepers referred to them for guidance, and in the mosque the populace placed all decision in their hands. In this connection Exh. p. 20, one of the seditious posters "How our leaders have departed" is not without interest; and we notice that in one of their own Exhibit D. 1.3 the *Desh* newspaper actually used the word "leaders" in referring to them. So too, they regarded themselves. Gokal Chand actually produced a witness to prove that he had lost influence through his alleged opposition to the holding of the meeting of the 6th of April, but he demonstrated it most effectually on that day; and according to his own account. Rambhaj Dutt was able to move a mob of which the Deputy Commissioner and the Police could make no hand. Throughout the proceedings their rule of leadership is the same and recognized by all, and their actions, in whatever light they are viewed, are inconsistent with anything else.

For reasons which will appear later we do not intend to discuss in much detail the meetings and the agitation which led up to the first *hartal* of the 6th of April; but as we have heard a great deal on the subject, we think it desirable to state what our conclusions are.

There may perhaps have been some few persons who believed that the Rowlatt Bills, if enacted, were liable to abuse, and doubtless a good many more were roused to opposition by the speeches in the Imperial Council and the campaign in the press, but the bulk of the city population do not read newspapers and would have remained in complete ignorance, not merely of the objections to the Bills but even of their existence, unless other steps had been taken to educate them.

The unanimity which had been announced and was required had to be preached, and preached it was with a very considerable measure of success. But even of the educated few hardly any one appears to have read or considered the Bills for himself and it was not the business of any one to combat all or any of the lies and misrepresentations which were in circulation.

It is true, that at one meeting Gokal Chand did give reasons of a legal and technical kind for his objections to the first of the two Bills; but the class of persons, who attended the Lahore meetings, did not go there to hear legal arguments and did not carry them away. What they learnt generally was that in spite of the opposition of the whole of India and in particular of a saint named Gandhi, who, they were taught to believe, was the Rishi of the Hindus and the Wali of the Muhammadans, an alien Government was trying to pass and eventually did pass an exceedingly harsh law which threatened the liberties of the humblest individuals; and that unless all classes and religions united against the Government there was no hope of averting the imminent peril. This teaching was enforced with all the arts of demagogues, who were unsparing in their abuse of a Government, which, they said, was meeting out tyranny in return for loyalty and sacrifice. Such speeches fell on the ears of ready listeners, some of whom, deliberately or otherwise, must have retailed a still more garbled version of the iniquities of Government. As the result, the catch phrase *"No Vakil na dalil na appeal"* was on many lips; and it was commonly believed that all

and sundry, though innocent of all crime, could be arrested at the will of the police and condemned without trial, that all assemblies of more than 3 or 4 people would be prohibited, and that in some mysterious way even the women and children would be made to suffer.

It was not possible, nor indeed would it have been worth our while, to examine all the hundreds of defence witnesses concerning their knowledge of Gandhi and of the Rowaltt Act, but we tested that of a good many. Most of them knew nothing more of Gandhi than his name, or of the Rowlatt Act than that it was said to be a harsh law, but some did not even know that. Yet nearly all the witnesses of the class to which we refer, and they were very numerous, are men who said that they closed their shops on the 6th on account of the Rowlatt Act and Gandhi's message, and closed them again on the 10th because news had come of Gandhi's arrest.

In face of the evidence before us, it is ridiculous to argue that the people of Lahore generally were influenced by their knowledge of the history of Mr. Gandhi's fights for liberty or the fineness of his character. It is true that during the months of March and April his name must by constant use have become familiar to most but few indeed had heard more than the vaguest report of his holiness and patriotism.

Nevertheless, in spite of the general ignorance that prevailed, in one way or another, by means of meetings and other propaganda, a sufficient number of people had been taught enough (the truth of what they learnt being immaterial) to form a numerous and noisy faction which was only too ready to carry out the wishes of those who desired to procure the repeal of the Act.

Those of the accused who are concerned in earlier events, all assert that they did nothing either to compel or to persuade the *hartal* of the 6th. Of compulsion by the

accused on either occasion we have no evidence. On the 6th at least the use of force was generally unnecessary as the *harttal* was pre-arranged. The positive oral evidence that some of the accused, *viz.*, Harkishen Lal and Duni Chand, visited the city on the 5th with the object of persuading the people not to open their shops on the following day has been subjected to much criticism, but it is very likely that it is true. For the purposes of this case, however, it does not in the least matter whether it is true or not. It is impossible that a complete *hartal* could have been organised without persuasion from persons other than those who did not themselves know why they should close their shops, and there is no difficulty in tracing the source from which the persuasion came.

We see from the evidence of Amar Nath, P. W. 4, that Duni Chand was claiming a right of persuasion from the Deputy Commissioner, and it has actually been urged that Ex. D.II-1 is proof that the Deputy Commissioner himself gave his approval to use persuasion up to the evening of the 5th, though no longer. (See the evidence of Dina Nath, D. W. 21) The accused have urged the omission from Ex. P. 15 (the notice for the meeting of the 6th of April) of all reference to suspension of business, as proof that they did not wish even to recommend a *hartal.* But, as already mentioned, we have it from Jai Gopal Tandon, D. W. 22, that Mr. Gandhi's message was published/broadcast through Lahore. We attach no importance to the inability of the prosectuion to show that the 16,000 copies of this message were paid for. The books of the Indian Association have been suppressed and the leaflets were certainly ordered by them. From this we may safely conclude, in spite of the contention that the opposition to the Act in Lahore was due not to the accused, who lacked influence to promote it, but only to the campaign in the press, that the accused themselves were regarding the press as a very inadequate organ for advertisement and that they did distribute the copies.

It is futile again to contend that there was nothing

unusual about the Ram Naumi procession. There are of course many witnesses for the defence who stated this, but as already pointed out they stuck at nothing, and we fully believe the statements of Jawahir Lal, P. W. 12, and Muhammad Shafi, P. W. 14, which show that it was of highly seditious and inflammatory character.

The *hartal* of the 10th of April was certainly spontaneous in the sense that it started as soon as the news arrived of Gandhi's detention; and we have no evidence, on which we would care to rely, that it was initiated by visits to the city of any of the accused. It is not indeed likely that many of the shopkeepers wished to close their shops, but crowds began to collect and to tell them that they must do so. Those addressed obeyed, and the others rapidly followed their example.

Nor have we any evidence that any of the accused instigated the mob to proceed up the Mall.

Mr. Hassan Imam has contended that, as none of the Members of the Imperial Council were called to order by the President and some of the speakers were even complimented by the Home Member, the Council speeches must have been unobjectionable and that, as the speeches made in Lahore were no stronger than some of those made in Council, it is ridiculous to found charges of sedition on the speeches in the Bradlaugh Hall. Without entering into any comparison of the two sets of speeches we need only remark that, in our opinion, some of the Council speeches, though they are published in the Gazette and are for sale to the public, might, if repeated in a heated atmosphere, easily excite dis-affection towards Government. The influence of the speeches of the Lahore orators has been strongly marked.

Of the violent character of some of the Lahore speeches there is no room for doubt, and the reports on which the prosecution rely are, in our opinion, quite accurate enough for conviction of sedition against certain individuals. In this

case, however, we are not entitled to convict persons except of offences committed collectively or as the result of conspiracy; and as we think it an over-statement of the case to say that there was a conspiracy to "commit sedition" on the 6th April, who consider that the charges of sedition based on what occurred before the time of the second *hartal* must fall to the ground.

This indeed is what the accused claim to have done; but though, in order to prevent a collision at that particular moment, Rambhaj Datt did no doubt try to get the people to retire through the Lohari Gate, he certainly did not advise them to end the *hartal*. We have no hesitation in believing the statement of Maratab Ali Shah, P. W. 29, that even while telling them to retire he also told them to assemble the next day in the Badshahi Mosque. This meeting was certainly pre-arranged and no other explanation of its origin has been offered. Over the gateway there was a flag with a seditious inscription and Hindus and Muhammadans alike had gathered together to the number of some 25,000. Never before has a joint meeting of a political character been held in the building.

We have had some difficulty in following Mr. Hassan Imam through his discourse on the subject of passive resistance. He referred to a speech on the subject of Indians in South Africa in which Lord Hardinge expressed what appeared to be an unqualified approval of passive resistance as practised by Mr. Gandhi in South Africa. Possibly the passive resistance of a minority in South Africa is less dangerous than a country like India where resistance to the law is never likely to be passive for long once the passions of a credulous populace have been stirred up by sedition and the dissemination of wilful lies. In any case, two blacks do not make one white..

Mr. Gandhi, we are informed, though he is still at liberty, has been personally practising resistance to the law regarding prescribed literature. In Lahore, none of the accused got so far as that. Some of them no doubt recommended Mr.

Gandhi's teaching for adoption; but, although at the invitation of Rambhaj Dutt at the meeting of the 9th of March the majority of the audience stood up together to signify their willingness to take the vow, no one actually took it. It is impossible in practice to resist the Rowlatt Act passively except by becoming an anarchist, and though at a later stage—*vide* Ex. P. 22, people were recommended to resist taxation, at the meeting under consideration it was never decided what laws should be passively resisted. We are, moreover, convinceb that one at least of the accused was actually anxious to avoid starting a campaign of this kind.

Again, it is not in itself an offence to persuade people to suspend business. No doubt, after what had occurred at Delhi on the 30th of March, the accused must have known that a general *hartal* was likely to lead to rioting; but it cannot, we think, be fairly said that they intended that offences should be committed on the 6th of April, and if they did not, they do not appear to be criminally liable (in this connection see the case of Lord George Gordeon, 13 State Trials).

We are, therefore, of the opinion that as regards these points also the charges must fail, and perhaps it is just as well that we are not obliged to convict in Lahore, men who up to the time of the second *hartal* had done no more than others had accomplished with impunity elsewhere.

We may add that in the Gujranwala case the Commission presided over by Mr. Justice Broadway appears to have arrived at the same conclusion.

Whatever their earlier intentions may have been on the evening of the 10th of April at least it must have become clear to all concerned that their agitation had resulted in a dangerous outbreak. Open rebellion and murder had occurred in Amritsar; and if in Lahore it had not been possible by the prompt employment of military force to push the mob back to the city like causes would most probably have been followed by like effects.

We have ourselves held in another case that the riot on the Upper Mall on that date amounted to an offence under Section 121, India Penal Code, and another Commission has come to the same conclusion in regard to the riots at the Lohari Gate.

It was obvious that unless the *hartal* ended at once further discontent, tumult, and outrage must necessarily result; and it was the plain duty of every loyal subject to do all that lay in his power to quell the excitement and to get the people back as soon as possible to peaceful employment On no one did this duty lie more heavily than on those, who by their speeches and influence had created the danger.

Rambhaj Dutt of course attended this meeting but his explanation is that he and others did so at the suggestion of the Deputy Commissioner, Mr. Fyson and then only in order to assist in allaying the excitement and stop what was going on. Mr. Fyson himself does not remember having given any such instructions, and we think it probable that he did not do more than ask them to end the *hartal* and explain why the dead bodies could not be returned. But granting that he did so, Rambhaj Dutt did not carry out his instructions. The two best accounts of what occurred are contained in the statement of Jiwan Lal, P.W. 26, and in the report, Ex. P. 62 which was prepared by Hari Mohan Chatterjee, P.W. 28, for the Associated Press in India. The last named was the best witness who appeared before us throughout the course of this trial.

Rambhaj Dutt proceeded to address the gathering from the pulpit of the mosque. He no doubt appealed to the young men not to cause provocation or to resort to violence and probably also he advised them not to go on the Mall, but any communications which the Deputy Commissioner had asked him to make were given by him as the orders of the Deputy Commissioner and not as his own advice, and at the same time he posed as a man who was himself not unlikely to be going to his death. He claimed that the firing at the

Lohari Gate was unjustifiable, because the people who were fired upon were already moving off, and he urged that it was their duty to stand when fired upon and not to retreat. He referred, moreover, to an expected decision of a Satyagraha Committee that the orders of the police and other laws should be disobeyed even if death was involved; and he called upon the mob to continue and make permanent the union which had been displayed that day. In fact, instead of doing any thing to allay the prevailing excitement, his speech was of a highly inflammatory character; and so far from telling the people that the *hartal* must be discontinued unconditionally, he informed them that the decision on the point would be referred to a committee.

Then, according to the statement of his own witness, Khan Bahadur Mian Siraj Din, Honorary Magistrate, and member of the Lahore Municipality, D. W. 11.17, he went back and told Mr. Broadway, the Superintendent of Police that he had persuaded the people to depart to their homes and not to form processions in the streets.

Shortly after his departure from the mosque, there occurred the incident of the arrival of Balwant Singh, which indicates clearly the excited condition of the mob, whose passions Rambhaj Dutt claims to have allayed. This took place during the course of what is described as the violent speech made by another of the accused Allah Din, No. 10, towards the end of which Duni Chand arrived upon the scene in the company of Harkishen Lal, Dharam Das and Piyare Mohan, P. W. 17.

Duni Chand too claims that he only went to the mosque, because he had been informed by his brother, Ganpat Rai, D. W. 114, that the Deputy Commissioner wished him to do so. The same witness states that it was Duni Chand's own idea to take Harkishen Lal with him, though it is not explained why he should have wished this, if Harkishen Lal is a man of no influence or popularity. The mob evidently thought otherwise, for not only Duni Chand, but his friends,

Harkishen Lal and Dharam Das, were carried in triumph to the pulpit of the mosque. A committee was then formed at the suggestion of Duni Chand for the purpose of collecting funds to feed and help the poor during the period of the strike and for the object Harkishen Lal promised a subscription of Rs.1,000.

The fact that he offered to subscribe this sum is not denied, and the story that the offer was made only on condition that the people opened their shops first and then only to provide the expenses for constitutional agitation against the Rowlatt Act and for a memorial to His Majesty the King is pure invention. There is no reference to anything of the kind in the very accurate report, Ex. P. 62, and the object plainly was to keep the *hartal* going, for if it ended, there would have been no need for the free distribution of food. Jiwan Lal has told us that before the meeting dispersed it was decided that the *hartal* should be continued, and that there should be another meeting in the mosque on the following day; and the impression which Hari Mohan Chatterjee took away with him was that the *hartal* was intended to continue for another week.

After the meeting dispersed a procession, led by men armed with *lathis,* went through the city with shouts of *"Delhi ke Shahidon ki Jai."* and *"Amritsar ke Shahidon ki Jai"* and yelling *"Hai Hai George Mar gaya"* destroyed such pictures of Their Majesties as were found on the way.

We have no doubt that all the speeches made on this occasion were both calculated and intended to make matters worse than they were already and they were eminently successful in achieving their object.

We are then told, however, that on that very night number of persons, including of the accused, Harkishen Lal, Duni Chand, Gokal Chand, Habibullah, Dharam Das Suri and Rambhaj Dutt, drew up a manifesto (*vide* Ex. D. 1-1) beginning with the later and more pacific message of Gandhi and ending with their own advice in the following words :-

"In compliance with the above-mentioned order of Mahatama Gandhi, it is our duty to exercise peace and patience at every step. The Lahore public have, in a manner worthy of their dignity, expressed their grief and sympathy over Mahatama Gandhi's arrest and their protest against the Rowlatt Act. The authorities have been now fully informed of the intentions and wishes of the public. We, therefore, request the public to resume their business as usual and keep up the further effort and struggle that is necessary in the city and outside city through committees.

"We pray to the God of Universe that He may crown your intentions with success."

In fact of what had just occurred it appears to us to be very unlikely that this manifesto was drawn up as early as the 11th April, seeing that while recommending the continuance of the struggle against the Rowlatt Act by means of committees, it nevertheless advised an immediate resumption of business. The only evidence we have about it, which can be described as in any way reliable is contained in the statement of Raja Narendra Nath, D. W. 11.6, who said that on the evening of the 11th he had been told, that a manifesto of this kind was under preparation, not that it had been actually prepared, in any case, even if it can be believed if it can be believed that for the moment somewhat wiser counsels had prevailed, they were speedily abandoned. The statement of the printer, Dina Nath D. W. 21. who has been put forward to relate the reasons why it was not printed, is pure rubbish; and it is obvious, that had the signatories so desired, they could have got their manifesto printed and issued immediately, if not from the *Desh* press, then from some other.

We are by no means sure that this manifesto was not drawn up at some later stage of the proceedings, and then only with the object of providing exculpatory evidence.

The second meeting, which had already been arranged,

took place in the Badshahi Mosque next morning. The temper of the crowd, which had assembled, is shown by the attack on Inspector Ali Gauhar, P. W. 46, of the C. I. D., while the mob were awaiting the arrival of the principal agitators. The story of Rambhaj Dutt, Harkishen Lal and Duni Chund is, that they had learnt accidentally of this second meeting and had gone to the mosque in order to do what they could in order to assist the Government. They did nothing of the kind. Rambhaj Dutt again exhorted the people to face death with fortitude.

By this time, there must of course have been many people who were suffering loss of business or even actual want and the question whether the *hartal* should be continued or not was certainly re-opened. This led to the election of another committee to decide this particular question and to tell the Mohalla Chaudhries what they were to do . Among the members of this committee were Rambhaj Dutt. Harkishen Lal and Duni Chand, and it was Rambhaj Dutt who put the names to the vote by acclamation. The story of Ghulam Hussain Shah, P. W. 40, is on this point borne out by the report of Hari Mohan Chaterjee. Ex P. 63. and we have no doubt that it is correct. The defence has not thought fit to produce any evidence concerning what occurred on this occasion. The names of a few unpopular persons, including that of the Hon'ble Rai Bahadur Ram Saran Das, were rejected by the mob; and it is quite certain that these three accused had not proposed unconditonal surrender. What occurred on this occasion emphasises what we have already said regarding the worthlessness of manifesto, Ex. D. 1-1.

Not long after the mob left the mosque, it had a collision with the Police and Military at the Hira Mandi, and the Police were ordered to fire. This affair has been the subject of another trial by the second Commission. Some details of what occured are given in Ex. R. 63.

It was after this, that the meeting at Mr. Shafi's house was held. According to Mr. Shafi, Duni Chand and Gokal Chand expressed the view that their influence with the public

was exaggerated and that, owing to the firing which had just taken place people were more excited than before. They said, therefore, that unless the Government was prepared to make certain concessions, they doubted if the people would listen to them. The conditions which Duni Chand suggested were the repeal of the Rowlatt Act and the release of Mr. Gandhi. Nawab Fateh Ali Khan. however, includes the demands for the release of every one arrested at Amritsar and the removal of the Military from Lahore. When they were told that some of these conditions were impracticable, they agreed to (1) the withdrawal of the Military, (2) the restoration of dead and wounded, (3) the release on bail of all persons arrested and (4) the formation of a committee to advise Government and to maintain order.

When Rambhaj Dutt arrived and heard the conditions, he was very excited and reiterated the demands for the repeal of the Rowlatt Act, the free entry of Mr. Gandhi into the Punjab and release of Kitchlew and Satyapal; but in spite of his objections the conditions as originally drawn up were agreed upon. We do not believe that his excitement was due to his horse having shied.

The contention for the accused generally is that they knew that unless such concessions were granted the people would not be willing to end the *hartal*, though they themselves, if they had had the power, would have been quite ready to end it unconditionally.

It is however, quite clear from the evidence that this was not their attitude at the time. They were objecting to having the hartal stopped until what they regarded as the gtievances of the people were removed. They had just received a mandate from those assembled in the Badshahi Mosque to decide whether the *hartal* should be ended or not, and there is no evidence that anything has been said about conditions. The conditions, therefore, embodied their own ideas of what it was right to demand: and the plain fact is that they were quite unwilling even to attempt to end the *hartal*, unless they could go back with proof of a triumph

over Government. There had been some shopkeepers, there, but they took no part in the discussion.

Mr. Shafi and some of his friends, after learning the Government was not prepared to accept the conditions which had been laid down, repaired to the house of Duni Chand, where a Committee was sitting. Mr. Shafi was invited to address it; but after he had spoken, Allah Din, accused No. 10, got up and said that the the Government had been guilty of a breach of faith in sending troops into the city, that innocent persons had been killed, and that unless the Rowlatt Act was repealed and Gandhi released there was no use expecting people to reopen their shops. Rambhaj Dutt and Harkishen Lal were both present. When Nawab Fateh Ali Khan came into the room, he was roundly abused by Harkishen Lal for having written a letter published in the *"Civil and Military Gazette"* on the 5th of April, in which he condemned passive resistance and the proposed *hartal* of the 6th. It is impossible to understand why, if Harkishen Lal was at this time willing to do all that he could to help Government, he should have made this letter a basis of attack. Duni Chand's party were not prepared to yield from the position which they had already taken, but it was arranged that another meeting should be held in the Town Hall next morning.

This meeting was held in the presence of the Deputy Commissioner. It is overstating the case to term it tumultous, or to make it the basis of charges. Accused Nos. 1 to 5 and Allah Din No. 10, were all present. Allah Din made a speech similar to that which he had made on the previous day, and he was supported by Rambhaj Dutt, both of them accusing the Deputy Commissioner of having broken faith in sending troops into the city. It is quite possible that Mr. Fyson had said something which Rambhaj Dutt either misunderstood or chose to misunderstand, but it is immaterial. The point is that Duni Chand's party at this meeting were no more than willing than they had been before to try

and end the *hartal* unless Government was first prepared to climb down.

Subsequently some of the accused were summoned by the Deputy Commissioner to his tent at the Telegraph Office where he read to them some portions of Bengal Regulation X of 1804 and told them that unless the *hartal* was stopped Martial Law would be introduced. Mr. Fyson was not inviting legal opinions, but Rambhaj Dutt showed his continued recalcitrance by objecting that the Regulation could not be applied.

The same afternoon, another meeting was held at Duni Chand's house. The best accounts which we have of this meeting are from Shuja-ud-din, Brrister, D.W. 8, and Feroz Din, Barrister, D.W. 116. Six persons.–Duni Chand, Harkishen La, Gokal Chand and Mohsin Shah with the two witnesses–were elected to a sub-committee, which was to decide whether the *hartal* should come to an end. There were no shopkeepers on the committee, but apparently some of them were invited to give their opinion. The decision was in favour of an unconditional surrender, though, according to Feroz Din, Duni Chand at first objected and was unwilling to take any steps to persuade the people. It is said, and there is a great deal of evidence to that effect that when the decision was announced by Rambhaj Dutt, the leaders were accused of truckling to Government. They, then, according to their own account, decided to visit the shopkeepers in the town, but gave up this idea as the rain came on. The more probable theory is that finding the decision unpopular they were unwilling to press it, for on the same evening Gokal Chand and Duni Chand again approached the Deputy Commissioner with a request for a concession, *viz;* the withdrawal of the troops. The people were never informed by them, that the authorities had decided to introduce Martial Law if the *hartal* did not end.

Next morning, accused Nos. 1, 2 and 3 were deported; but the *hartal* did not come to an end, until the 18th and then only by the military order.

It is hardly profitable to discuss whether or not the principal accused could have ended the *hartal* on the 13th, though we think that they might perhaps have done so if they had subordinated their own popularity to the public good, had been straightforward with the people and had really tried to get the saner elements of the city on their side.

That they could have done so on the 11th and again on the 12th, we make no doubt. We are not, however, going to convict anyone merely for failing to use his influence on the right side, even though we may consider that by doing so they could have restored peace in the city; and for a like reason we do not regard as proper subject of a charge the action of any of the accused in laying down to Government the conditions, on which they were prepared to assist. No doubt they were morally bound to help unconditionally, but they were not legally bound to do so and their omission was not in itself an offence. Their attitude in that matter is of course good evidence of their intentions; but so far as charges are concerned, we shall confine ourselves to criminal acts of a positive kind.

In doing so, however, we must, as even Mr. Hassan Imam has conceded, that judicial notice of the state of rebellion which existed on the 20th of April onwards. It has not been argued before us that the acts in the Badshahi Mosque attributed by the prosectuion to some of the accused would, if proved, fall short of offences under section 121, Indian Penal Code, and of their extreme gravity there can be no doubt. After weighing all the evidence, we are of opinion that the prosecution has established that there was an active conspiracy in Lahore to bring about the repeal of the Rowalt Act by criminal means, namely, by waging war against the King, and that in furtherance thereof was was waged from the 11th onwards. These men knew, none better, that the state of rebellion was largely due to their own efforts, and that Lahore was one of the principal centres from which disaffection and open defence of Government were spreading

through the Punjab. The mere fact that owing to the rapid consumpption of military control no serious damage was done in Lahore itself is to our minds quite immaterial. The results of their efforts were not confined to Lahore;and if in order to over-awe Government into the repeal of the Act, they said what lay in their power to produce further excitement outrage, they must take the consequences.

Before proceeding to discuss the case of each individual accused, it is necessary to remark that all of them, according to their station in life, have been able to produce testimonials, from more or less eminent members of society, to their moderatoid and loyalty. These they could doubtless have multiplied as they wished.

Some of them, again, have been able to show that in recent times they have not merely prayed for the success of the British Arms, but have advocated War Loans, helped in recruiting, and have even "given" relatives to the Indian Defence Force or clerks for Mesopotamia. Perhaps all of these efforts were not very valuable, and it has to be remembered that some of the accused are men who are always in the lime-light, but we have no doubt that every one of them, however, much he might dislike the existing Government, at least preferred it to prospects of German rule. None of these things, however, really affect the matter before us. It is on the evidence of their actions in this case that the accused must be judged.

Harkishen Lal (No. 1).–Much stress is laid on statements by men like Mr. Shafi and Sir Zulfikar Ali Khan that this accused has taken no part in politics for several years past. These gentlemen were evidently misinformed. Harkishen Lal is not a frequent speaker on public platforms, but he is nevertheless an active politician,–*vide* the statement of Barkat Ali, D. W. IX 3.–and was recently elected a member of a deputation to proceed to England. He is President of the India Association, and though he did not

attend it. he was one of the conveners of the meeting of the 6th April. We have no doubt that throughout he was in the full confidence of Rambhaj Dutt and Duni Chand. He was acting in close co-operation with them on the 11th, 12th and 13th April, was present at both the meetings in the Badshahi Mosque, and his general attitude is shown by his unproved attack on Nawab Fateh Ali Khan. There is no need to recapitulate what we he have said about his promised subscription to the *hartal.*

Rambhaj Dutt (No. 2) was the chief spokesman of the conspiracy. As early as the 4th February, he made a seditious speech in which he foreshadowed the same fate for England as had befallen Germany. On the 10th of April at the Lohari Gate he invited the mob to the Badshahi Mosque; and on the following day, he made a violent and inflammatory speech and incited the people to stand firm and be shot. On the 12th, he again enlarged upon the same text. We find that he has throughout been one of the moving spirits in the conspiracy.

Duni Chand (No. 3) was the chief organiser, as opposed to the chief spokesman of the conspiracy. As Secretary of the Indian Association, he arranged the earlier meetings of protest. His influence in the city is proved to be infinitely greater than that of any of his companions. He attended the meeting of the 11th of April at the Badshahi Mosque and took the leading part in the appointment of a committee to continue the *hartal,* and in the raising of subscriptions for *langar khanas.* When the meeting broke up, he invited the mob to come again next day and he came himself with Rambhaj Dutt and Harkishen Lal. On the 13th at the Town Hall he deliberately put forward Allah Din, a stranger and mob orator, to tell the meeting what was happening in the city. This man has spoken on the 11th at the mosque and on the 12th at Duni Chand's own house and had no qualification for the task beyond the violence of his *language.* Duni Chand further threatened the authorities with the possibility

of a riot, as the consequence of not acceding to his request for the release on bail of Moti Ram, and behaved throughout as an acknowledged leader; considering what had happened and was happening, the one incident of calling the meeting of the 12th in the Shahi Mosque, which he must have known would end in bloodshed, would be sufficient in itslef for a conviction of waging war, and taken with the remainder of the evidence is established beyond doubt that Duni Chand was a most active member of the conspiracy.

Dharam Das (No. 4) is an irresponsible and excitable fanatic, who does not appear to be taken very seriously by most people. He deeply interested in philanthropic and religious movements and is a prominent preacher of the Brahmo Samaj. On the 4th February he made an intemperate and incoherent speech at the Bradlaugh Hall, and he accompanied Duni Chand and Harkishen Lal to the Shahi Mosque on the 11th April, but he did not go again on the 11th. Considering the peculiar temperament of this man and his incessant pursuit of notoriety, as evidenced by his frequent speeches at all sorts of meetings, we think that the most favourable interpretation of his conduct must be accepted. In spite of his love of public speaking, he took no part in the proceedings on the 11th and he abstained from accompanying Duni Chand and Harkishen Lal to the meetings, which he knew would take place on the following day. This we believe to mean that he did not know the grave nature of the situation until he arrived at the mosque on the 11th and that on realising what was happening he deliberately refrained from further action.

Gokal Chand (No. 5) took an active part in the earlier stages of the agitation, and we are not satisfied with his explanation of his conduct at the meeting of the 6th April. His conviction, however, depends on the part played by him in the later events. It had already been explained that we do not regard participation in the meeting at Mr. Shafi's house on the 12th as a criminal act. He did not attend either of the mosque meetings and his election to committees in his

absence is no proof of his intent to wage war. Possibly, his absence was due only to an instinct of self-preservation; but on the 6th April when matters looked serious, he used his influence on the right side; and on the whole we think that the facts point to the conclusion that he was averse to open defiance of authority, and that it was for this reason that he did not join in instigating the populace to prolong the *hartal*.

Mathra Prasad (No. 6) is a peripatetic minstrel. On the 6th April he recited a poem of which the general tone and one line in particular were seditious, but he had no connection with the events after that date.

Habibullah (No. 7) is a young man of good family and some property, who was probably drawn into this agitation by mere desire for notoriety. He would have been much better advised to leave politics alone, but the case against him is largely based on misconceptions. His speech on the 9th March was in support of a compromise designed to avoid the *Satyagraha* vow, and that of the 6th April has been misinterpreted by the prosecution as the result of a mistake which is now admitted. He did not attend the mosque meetings and he was not responsible for his election to the *hartal* committees. Indeed after the 9th April he took no part in any of the proceedings.

Karam Chand (No. 8) recited on the 6th April a seditious poem which did not lose its general character by the mere insertion of certain complimentary references to the Secretary of State. We cannot, however, convict him in this trial of an isolated act of sedition at the stage. We distrust the evidence that he attempted to prevent dhobis from doing their work, and the only other point against him is that he maintained a *langar khana* on the 11th on the 12th in the Dhobi Mandi, which is at some distance from the city. There is, however, reliable evidence that this kitchen was not used by the city roughs, and it was closed as soon as Government had made arrangements for the provision of

supplies. Karam Chand is undoubtedly a man of charitable disposition which he has often shown in a practical way, and it is certain that he entertained no animosity towards Europeans. His recitation may have been a mere poetical extravagance, and in our opinion his *langar khana* was not intended to prolong the *hartal*.

Mohsin Shah (No. 9) is a member of the provincial Muslim League. We do not trust the evidence that he joined the mob on the 10th April and prefer his explanation as more likely to be true. The only real point against him in his attendance on the 11th at the Badshahi Mosque, where he went with Rambhaj Dutt, knowing that Mr. Fyson had sent them, if not to the mosque itself, at least to make certain communications to the populace. We are not sure that he knew what Rambhaj Dutt was going to do; and afterwards, when called to assist his leader, he seems to have been too frightened to open his mouth. He was not present when he was elected to the *hartal* committee and he did not return to the mosque next day. He does not appear in any of the other proceedings except those of the 13th, when he voted for unconditional surrender, and the indications are that he did not wish to provoke further resistance.

Allah Din (No. 10) was present on the 11th of April in the Badshahi Mosque, where he made an inflammatory speech. His connection with the principal accused is shown by his presence on the 12th at Duni Chand's house, where he made another violent harangue, a performance which he repeated at Duni Chand's suggestion on the 13th in the Town Hall. We have no doubt that he was a member of the conspiracy and committed an act of waging war.

Mota Singh (No. 11) made a seditious speech in the Badshahi Mosque on the 11th April. He is a school master from Patiala and denies that he was at Lahore that day. We find that it is fully established that he was, and that was he and none other, who made the speech in question and this after he had realised the nature of the gathering. Had he

taken no part in the proceedings it might be held that he only joined the mass meeting out of curiosity; but as soon as he made seditious speech himself, he thereby associated himself with the other speakers and by that act joined the conspiracy and committed an act of waging war.

We convict Harkishen Lal, Rambhaj Dutt, Duni Chand, Allah Din and Mota Singh under sections 121 and 121-A. Indian Penal Code, and sentence them to transportation for life and forfeiture. We do not consider it necessary to record finding on other charges.

Allah Din and Mota Singh are minor offenders, and had it been in our power we should in their cases have awarded much lighter sentences.

If there is any excuse for the other convicts it can only lie in the encouragement, direct or indirect, which they received from Delhi and Bombay.

The remaining accused are acquitted.

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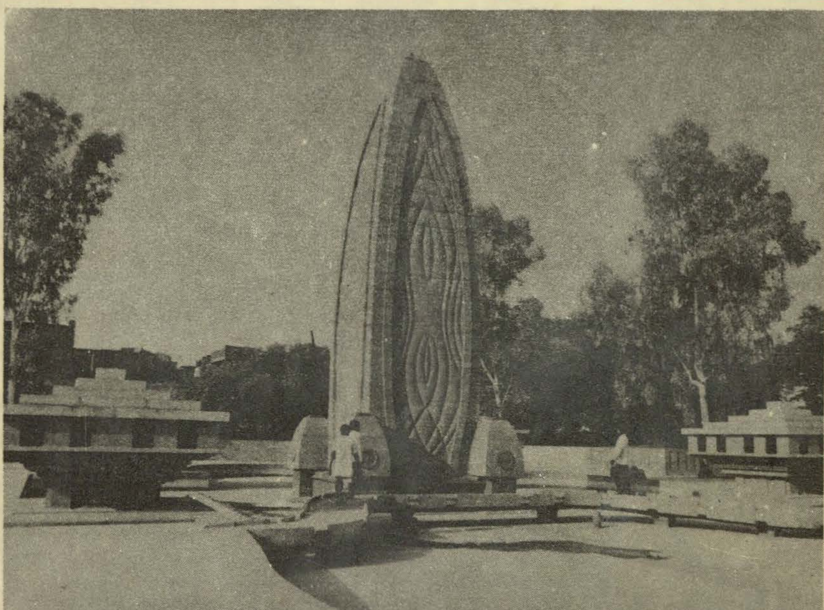
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A HARVEST OF HUMAN HEADS

(JALLIANWALA, 1919)

M.A. LATIF
AMRATSARI



FLAME OF LIBERTY
JALLIAN WALA BAGH MEMORIAL, AMRITSAR